SOUTH CAROLINA MEDICAL ASSOCIATION.
MINUTES OF THE PROCEEDINGS/CHARLESTON.
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T.R. Smith

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# MINUTES

OF THE PROCEEDINGS OF THE

# MEDICAL CONVENTION

OF

# SOUTH-CAROLINA,

HELD

IN CHARLESTON, IN FEBRUARY,

1848.

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# MINUTES OF THE PROCEEDINGS

OF THE

# MEDICAL CONVENTION OF SO. CARONINA,

HELD

IN CHARLESTON, FEBRUARY, 1848.

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## MONDAY, February 14th, 1848.

In pursuance of a call made upon the Medical Profession of South-Carolina, by the Medical Society of South-Carolina, a large number of physicians from all parts of the State, convened at 10 o'clock this morning, in the Hall of the Apprentices' Library Society.

On motion of Dr. W. T. Wragg, of Charleston, the meeting came to order, and Drs. James Moultrie, of Charleston, was called to the Chair, and Dr. D. J. C. Cain, of Charleston, and R. B. Johnson, of Camden, were appointed Secretaries.

On motion of Dr. W. T. Wragg, a committee of one from each District represented, was appointed to nominate permanent officers of the Convention. It was also resolved that the officers shall be a President, two Vice-Presidents, and two Secretaries.

The Committee was constituted as follows:

| | |
|---|---|
| Dr. W. T. Wragg, of Charleston, | Dr. R. E. Wiley, of Lancaster, |
| Dr. T. B. Dendy, of Abbeville, | Dr. J. A. Mayes, of Sumter, |
| Dr. H. W. Ford, of Colleton, | Dr. W. M. Shuler, of Orangeburg, |
| Dr. A. W. Youngblood, of Edgefield, | Dr. W. K. Sims, of Union, |
| Dr. S. Fair, of Richland, | Dr. J. R. Bratton, of York, |
| Dr. R. B. Johnson, of Kershaw, | Dr. Alex. Williams, of Chesterfi'd. |

The Committee retired for a few minutes, and on their return, nominated the following gentlemen as officers of the Convention, who were thereupon unanimously elected:

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Dr. JAMES MOULTRIE, of Charleston, *President.*
Dr. J. C. READY, of Edgefield, } *Vice Presidents.*
Dr. ISAAC BRANCH, of Abbeville, }
Dr. D. J. C. CAIN, of Charleston, } *Secretaries.*
Dr. R. B. JOHNSON, of Camden, }

The Convention was then organized and proceeded to business.

On motion of Dr. W. T. Wragg, of Charleston, it was

*Resolved*, That the Faculty of the Medical College of the State of South-Carolina, be invited to participate in the deliberations of this Convention.

On motion of Dr. T. Y. Simons, of Charleston, it was

*Resolved*, That a committee of five be appointed to report on the recommendation of the National Medical Convention, to the Medical Profession, to use their influence to have established in their respective States, a Registration of Births, Marriages and Deaths.

The following Committee was appointed under the above resolution: Drs. T. Y. Simons, of Charleston; T. B. Dendy, of Abbeville; A. W. Youngblood, of Edgefield; S. Fair, of Richland; J. W. Keitt, of Orangeburg.

On motion of Dr. J. P. Jervey, of Charleston, it was

*Resolved*, That it is both desirable and necessary that all young men who may hereafter apply to be received as Students of Medicine, should have obtained a proper and suitable preparatory education, and that a Committee of five be appointed to report on the standard of requirements proper to be exacted from such applicants.

The President appointed the Committee as follows: Drs. J. P. Jervey, of Charleston; Thos. J. Mabry, of Abbeville; W. M. Shuler, of Orangeburg; J. E. Easterling, of Georgetown; and W. K. Sims, of Union.

On motion of Dr. W. T. Wragg, of Charleston, it was

*Resolved*, That a Committee of five be appointed for the purpose of reporting on the best means of discouraging Druggists, who are in the habit of vending Patented Medicines and Nostrums.

Committee: Drs. W. T. Wragg, of Charleston; J. A. Gibert, of Abbeville; W. J. McKain, of Kershaw; W. E. Cauthen, of Lancaster; and W. E. Adams, of York.

Dr. Wragg laid before the Convention, a circular from the College of Pharmacy of New-York, in which a few of the base

frauds practised by Foreign Druggists, as well as those of our own country, are exposed.

The Circular having been read by one of the Secretaries, on motion of Dr. T. Y. Simons, of Charleston, it was

*Resolved*, That the Circular be referred to the Committee on Druggists.

Dr. Elias Horlbeck, of Charleston, then offered the following preamble and resolution:

*Whereas*, The members of the Medical Profession of the State of South-Carolina are assembled on this occasion for the general purpose of advancing the character and usefulness of their calling, as well as for other objects more particularly set forth in the circular of the Medical Society of this City; and whereas it has been ascertained by experience, that the united and concerted action of individuals engaged in similar pursuits, facilitates the accomplishment of their ends—therefore be it

*Resolved*, That in order to the more successful attainment of the objects for which it has been assembled, this Convention do proceed to establish a State Medical Association, and that a committee of five members be nominated to report a Constitution and By-Laws for its permanent organization.

The following gentlemen constituted the Committee: Drs. E. Horlbeck, of Charleston; R. B. Johnson, of Kershaw; R. E. Wylie, of Lancaster; J. A. Mayes, of Sumter; and H. W. Ford, of Colleton.

Dr. Jervey inquired whether the Committees were expected to report to-day or to-morrow.

Dr. T. Y. Simons moved that the reports be deferred until to-morrow, for the purpose of allowing the members of the Committees time to confer with each other on their respective subjects.

Dr. A. E. Gadsden, of Charleston, moved, as an amendment, that the Convention adjourn until 7 o'clock this evening.

Dr. W. T. Wragg, of Charleston, moved, as a substitute for the motion of Dr. Simons, that the Committees retire and report as soon as they are ready.

Dr. T. Y. Simons withdrew his motion; and that of Dr. Wragg having been adopted, the Committees retired to prepare their reports.

At 12 o'clock, M., on motion of Dr. Edward Elfe, of Charleston, the Convention took a recess for half an hour.

The Convention re-assembled at half past 12 o'clock.

The President inquired whether any of the Committees were ready to report.

Whereupon Dr. J. P. Jervey submitted a report from the Committee on Preliminary Education. [See Appendix B.]

Dr. Edward Mitchell, of Colleton, moved that the report be adopted.

Dr. H. W. DeSaussure, of Charleston, moved, as an amendment, "that the report be accepted, 100 copies printed for distribution among the members, and that it be taken up for consideration to-morrow." Which was carried.

Dr. Horlbeck, of Charleston, submitted a report from the Committee on the By-Laws of the South-Carolina Medical Association. [See Appendix A.]

Dr. A. E. Gadsden, of Charleston, moved "that the report be accepted, 200 copies be printed for distribution, and that it be taken up for consideration to-morrow;" which was adopted.

Dr. Wragg submitted a report from the Committee on Druggists. [See Appendix C.]

Dr. W. G. Ramsay, of Charleston, moved that the same disposition be made of this report, as of that on Preliminary Education. Adopted.

Dr. J. P. Barratt, of Abbeville, moved, "that in consideration of the time consumed in reading the three reports which have been submitted to the Convention, the report on the Registration of Births, Marriages and Deaths, be printed for the use of the members without a preliminary reading."

As some doubts were expressed, in regard to the possibility of printing the whole of the reports in time to come up for consideration to-morrow,

Dr. P. C. Gaillard, of Charleston, moved, "that if the whole of Drs. Wragg's and Simons' reports could not be printed in time, the resolutions only be printed;" which was adopted.

Dr. T. Y. Simons moved "that the Convention adjourn to 11 o'clock of the following day." He however withdrew his motion, to allow

Dr. Gaillard to move "for a re-consideration of the motion made by him." The vote being taken upon the re-consideration, it was decided in the affirmative; and after some discussion, the whole of the reports were ordered to be printed.

Dr. Mackey moved "that the Secretaries be requested to distribute the reports among the different job offices, so as to facilitate the printing;" which was carried.

On motion of Dr. T. Y. Simons, the Convention adjourned to 11 o'clock to-morrow morning.

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## TUESDAY, Feb. 15th, 1848.

The Convention assembled at 11 o'clock, pursuant to adjournment.

The roll was called, and several gentlemen who had arrived since the sitting of yesterday appeared, registered their names and took their seats in the Convention.

The Minutes of the meeting of yesterday were read and confirmed.

Dr. T. Y. Simons, of Charleston, read a Report from the Committee on the Registration of Births, Marriages and Deaths, which,

On motion of Dr. F. M. Robertson, of Charleston, was ordered to be printed. [See Appendix D.]

Dr. F. M. Robertson, after a conference with Dr. Simons, moved "that the Report and Resolutions be taken up without being printed." Adopted.

Dr. Elias Horlbeck requested that the Resolutions might be read by one of the Secretaries. This was accordingly done, when,

On motion of Dr. Edward Mitchell, of Colleton, the Report and Resolutions were unanimously adopted, and ordered to be printed with the proceedings of the Convention.

Dr. W. T. Wragg stated that the Committee on Druggists, to whom was referred the circular of the New-York College of Pharmacy, deemed it best not to adopt verbally the memorial contained in that circular; but, instead of it, begged leave to submit, for the consideration of the Convention, a memorial which they had prepared, addressed to the Senate and House of Representatives of the United States.

The "Memorial" having been read, on motion of Dr. W. J. McKain, of Kershaw, it was

*Resolved*, That the memorial be adopted, signed by the officers of the Convention, and a copy sent to each House of Congress. [See Appendix C.]

Dr. Isaac Branch, of Abbeville, one of the Vice Presidents, moved "that the Report of the Committee on Druggists be considered now, as it is uncertain when it can be laid before them in a printed form."

Dr. P. M. Cohen, of Charleston, requested Dr. Branch to withdraw his motion for thirty minutes, in order that he might have time to confer with a few members of the Convention who were absent from the Hall, to which Dr. Branch acceded.

Dr. Lawrence Lee, of Charleston, offered the following:

*Resolved*, That a Committee of five be appointed to ascertain the number of practitioners in this State, diplomated, licensed and authorized, for the American Medical Association.

The resolution was adopted.

Dr. R. E. Wylie, of Lancaster, moved a reconsideration, on the ground that the number of the Committee was too small. The motion was adopted, and on the reconsideration, Dr. Wylie moved to amend it by striking out the word "five" and inserting "one from each District represented in the Convention," which was carried.

The President appointed the Committee as follows:

Dr. L. Lee, of Charleston.
Dr. Isaac Branch, of Abbeville.
Dr. J. C. Ready, of Edgefield.
Dr. J. E. Easterling, of Georgetown.
Dr. W. J. McKain, of Kershaw.
Dr. R. E. Wylie, of Lancaster.
Dr. J. W. McCants, of Newbery.
Dr. J. A. Mayes, of Sumter.
Dr. A. Coffin, of Barnwell.
Dr. W. K. Sims, of Union.
Dr. W. E. Adams, of York.
Dr. J. W. Keitt, of Orangeburg.
Dr. S. Fair, of Richland.
Dr. A. Williams, of Chesterfield.
Dr. John May, of Colleton.
Dr. T. T. Robertson, of Fairfield.
Dr. G. Muller, of Lexington.

Dr. J. L. Dawson, of Charleston, offered the following:

*Resolved*, That a Committee of three from each District represented in this Convention be appointed by the President, whose duty it shall be to nominate at least one respectable physician from their respective Districts as a candidate for the Legislature at the approaching election.

Dr. R. E. Wylie, of Lancaster, objected to the resolution on

the ground that the community would regard such a movement with suspicion, and that few physicians could devote much of their time to canvassing (which would be necessary, at least in the upper Districts,) without detriment to their practice.

Dr. Isaac Branch, of Abbeville, thought it inexpedient to mingle medicine and politics, and expressed himself, with Dr. J. P. Barratt, of Abbeville, and Dr. A. E. Gadsden, of Charleston, as decidedly opposed to the passage of the resolution.

The resolution was finally withdrawn by the mover.

On motion of Dr. W. J. McKain, of Kershaw, it was

*Resolved*, That a Committee of five be appointed to consider and report to this Convention measures for defraying the expenses of printing the proceedings, reports, &c., of the Convention.

The Committee appointed under the above resolution consists of Drs. W. J. McKain, of Kershaw, H. R. Frost, R. Lebby, and E. B. Flagg, of Charleston, and J. R. Bratton, of York.

On motion of Dr. G. Muller, of Lexington, it was

*Resolved*, That the Report of the Committee on Preliminary Education, printed copies of which were in the hands of the members, be now taken up for consideration.

Dr. McKewn, of Charleston, moved that the resolutions be read by one of the Secretaries.

Dr. W. G. Ramsay, of Charleston, objected, as the resolutions were already in the hands of the members.

The resolution was lost.

Dr. G. Muller then moved that the Report and accompanying Resolutions be adopted.

Dr. A. G. Mackey, of Charleston, moved, as an amendment, to strike out the word "them," in the last line but one of the 1st resolution, and insert "to read with facility the Commentaries of Cæsar and the Greek Testament."

An animated discussion ensued, in which Drs. A. G. Mackey, T. Y. Simons, W. G. Ramsay, H. R. Frost and J. P. Jervey, of Charleston, and Isaac Branch, of Abbeville, participated.

The question was then put on the amendment of Dr. Mackey, which was lost.

The report and resolutions were then adopted.

The President announced that the time had arrived for taking up the resolution of Dr. Isaac Branch, in relation to the Report of the Committee on Druggists.

But on motion of Dr. P. M. Cohen, of Charleston, the Convention adjourned to 4 o'clock this afternoon.

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AFTERNOON SESSION.

The Convention re-assembled at 4 o'clock.

Dr. P. M Cohen stated that he had been informed by a member of the Convention that it was customary with the South-Carolina Rail-Road Company to give a free passage on the Rail-Road to such gentlemen as were delegates to scientific or religious Conventions held in Charleston, and that it was probable each member from the country would be permitted to return free of expense on presenting a certificate to the effect that he was a member of the Convention. To this end he offered the following Resolution, which was adopted:

*Resolved*, That the President be requested to give a certificate to each member from the country that he is a member of this Convention.

On motion of Dr. E. Horlbeck, it was

*Resolved*, That until the next annual meeting of the Association, the provisions of the By-Laws requiring five years previous practice, as also to the mode of admission by application to the Counsellors, be suspended, and that medical gentlemen who have been prevented from attending this Convention, or who may not have been summoned, be allowed to take their seats as fellows of this Association, upon signing the By-Laws.

Dr. I. Branch, of Abbeville, withdrew his motion for the consideration of the Report of the Committee on Druggists.

Dr. Branch offered the following resolution, which was unanimously adopted:

*Resolved*, That this Convention appreciate the labors of Drs. P. C. Gaillard and H. W. DeSaussure, as well as those of their predecessors, in conducting the Southern Journal of Medicine and Pharmacy, and that we will, individually, use our utmost efforts in sustaining that Journal.

The Report of the Committee on the By-Laws of the South-Carolina Medical Association then came up for consideration.

Dr. P. C. Gaillard, of Charleston, moved that they be considered by paragraph, which was adopted.

In relation to sec. 3 of art. iv., Dr. J. P. Jervey, of Charleston, offered the following Resolution, which was unanimously adopted:

*Resolved*, That all persons who were received in their respective communities or neighborhoods as practitioners of medicine, and who have borne a fair and honest character, before the passage of the license law of this State, be allowed the privileges of this Association.

Dr. R. E. Wylie, of Lancaster, presented the following, which was adopted unanimously:

*Resolved*, That any Thomsonian, or any regular physician who may adopt or advocate the Thomsonian system, (if system it can be called,) be included among the irregular practitioners.

Dr. T. B. Dendy, of Abbeville, moved the following:

*Resolved*, That all that relates to Druggists in sec. 3 of art. iv. be stricken out, as affecting the regularity of practitioners.

To which, Dr. Lawrence Lee, of Charleston, offered the following amendment:

"Or who countenances or encourages Druggists, who habitually vend nostrums, unless they cannot obtain their medicines from other sources."

This not being accepted by Dr. Dendy, Dr. Isaac Branch offered the following as a substitute for Dr. Dendy's resolution.

"Or who in any way encourages Druggists who recommend and habitually vend nostrums when he cannot procure pure articles elsewhere." Which was carried after a warm discussion, in which Drs. T. Y. Simons, W. G. Ramsay and P. M. Cohen, of Charleston, participated.

Dr. Elias Horlbeck, of Charleston, offered the following preamble and resolution:

There being no District Societies yet in existence, it will be necessary to provide for an *extemporaneous* Board of Counsellors, or until three or more such Societies can be organized—therefore,

*Resolved*, That until three or more District Societies are

formed, the Board of Counsellors of this Association shall consist of one Counsellor for every district represented in this Convention, having less than five members present, and one for every district having more than five, in accordance with the spirit of the By-Laws; and that this be printed as an appendage.

On motion of Dr. Horlbeck, it was

*Resolved*, That the form of the Diploma be filled by the President.

On motion of Dr. J. Branch, it was

*Resolved*, That the Counsellors shall agree upon and procure a seal for the Association.

The articles of the Report were considered, *seriatim*, to several of which, amendments were offered and adopted. The question was then put upon the adoption in full of the Report as amended, and was carried.

Dr. W. G. Ramsay, of Charleston, offered the following:

*Resolved*, That in the opinion of this Convention, the duties of instructing and licensing candidates for the medical profession should be vested in separate and distinct bodies.

After a brief discussion the resolution was lost.

Dr. L. Lee moved "that the whole proceedings of this Convention be published in pamphlet form, and this duty be assigned to the Committee on Expenses." Which was adopted.

On motion of Dr. J. A. Mayes, of Sumter, it was

*Resolved*, That the Committee on Printing be authorized to incorporate in the By-Laws, the Code of Ethics adopted by the American Medical Association, and that it be recognized by this Association.

The Convention then adjourned, to meet at 10 o'clock the following day.

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## WEDNESDAY, February 16th, 1848.

The Convention met at 10 o'clock, pursuant to adjournment, Dr. J. C. Ready, one of the Vice-Presidents, in the Chair.

The minutes of the proceedings of yesterday were read and confirmed.

Dr. F. M. Robertson, of Charleston, moved a reconsideration of the 3d section of the 6th By-Law of the South-Carolina Medical Association, for the purpose of modifying the rule in relation to Druggists; but the Convention refused to reconsider.

Dr. Isaac Branch moved the following resolution, which was adopted:

*Resolved*, That those members of the profession who are engaged in the vending of Drugs, are not to be considered as violating the rule passed yesterday in relation to nostrums, while making sale of their present stock.

Dr. A. G. Mackey, of Charleston, offered the following resolution, which was unanimously adopted:

*Resolved*, That notwithstanding the very low standard of preliminary education adopted by the American Medical Association, and concurred in temporarily by this Convention for prudential reasons, yet it is the opinion of this Convention, that the respectability of the profession and the usefulness and chances for eminence of the practitioner would be greatly augmented by a preparatory course of liberal studies.

Dr. R. E. Wylie, of Lancaster, moved a reconsideration of the By-Law of the Association in relation to proxies, which was agreed to,—when, on motion of the same, it was resolved that the words "be an inhabitant of his own district," be stricken out.

Dr. P. C. Gaillard, of Charleston, moved a reconsideration of the whole of the By-Laws of the Association for the purpose of getting the opinion of the Convention on the expediency of a reconsideration; but the Convention refused to reconsider.

Dr. F. P. Porcher, of Charleston, moved the following resolution, which was unanimously adopted:

*Resolved*, That a Committee of one from each District represented in this Convention, be appointed by the President, whose duty it shall be to investigate the *Indigenous Medical Botany* of this State, paying particular attention to such plants as are now, or may be hereafter during the term of their service, found to possess valuable medicinal properties, giving not only the Botanical or Medical description of those not accurately described in the standard works of our country, but also the localities where they may be found, and report the same in writing to the next annual meeting of the South-Carolina Medical Association.

The Committee was constituted as follows:

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|---|---|
| Dr. F. P. Porcher, Charleston, | Dr. R. E. Wylie, Lancaster, |
| " J. P. Barratt, Abbeville, | " W. R. Prior, Georgetown, |
| " Edward Mitchell, Colleton, | " Amory Coffin, Barnwell, |
| " J. Strobhart, Beaufort, | " D. A. Dobson, Newberry, |
| " Geo. Pearson, Fairfield, | " J. R. Bratton, York, |
| " J. A. Mayes, Sumter, | " J. J. Vernon, Spartanburg, |
| " W. J. McKain, Kershaw, | " John Douglass, Chester, |
| " R. W. Gibbes, Richland, | " Samuel Sanders, Chesterfield, |
| " J McMeekin, Lexington, | " G. M. Yarborough, Edgefield, |
| " W. K. Sims, Union, | " Thos. A. Elliott, Orangeburg. |

Dr. T. B. Dendy, of Abbeville, offered the following preamble and resolutions, which were adopted:

How much so ever other causes may tend to embarrass medical reform, we nevertheless regard the failure of Medical Colleges to require a strict conformity even to their present low standard as an impediment worthy of the most serious consideration. And while it affords us much pleasure to know that the Medical College of the State of South-Carolina stands among the first, in her preparatory requirements and in the enforcement of them, we feel that more may yet be done to elevate her still higher.

It is apparent to all of us, that the term of lecturing in all our Medical Colleges, is entirely too short to enable the different Professors to do that justice to their subjects which their importance demands, and that it is far too short to enable students profitably to receive the amount of instruction which should be contained in a course of lectures. The door of entrance into Medical Colleges is not sufficiently guarded.

The neglect on the part of first course medical students to attend regularly the lectures, is an evil of great magnitude. It is not only an obstacle to the attainment of medical knowledge, but it tends to consequences far worse—the destruction of morals.

The examinations for the degree of M.D. are not generally conducted with sufficient care to secure the ends contemplated by their institution. And as this Convention feels the greatest interest in the prosperity and usefulness of the Medical College of the State of South-Carolina, and as we look to her as the guardian of the Medical Profession in this State, and as the institution which is to prepare those to whom are to be entrusted the progress and perpetuity of all reforms in the Medical Profession; therefore

*Resolved*, That this Convention does earnestly recommend that the Medical College of the State of South-Carolina lengthen her term of lecturing from four to six months; that she may better guard the door of entrance and secure the attendance of

first course students by examinations; also that she should conduct her examinations for the degree of M.D. more rigidly.

*Resolved*, That should she adopt the above recommendations, we will use our influence in her support.

On motion of Dr. Edward Mitchell, of Colleton, the report of the Committee on Druggists was then taken up, adopted, and ordered to be printed.

On motion, it was ordered that one thousand copies of the proceedings of the Convention be published, and that a copy be sent to every member of the Medical Profession in the State.

Dr. W. G. Ramsay, of Charleston, moved that the thanks of the Convention be tendered to the Trustees of the Apprentices' Library Society for the generous use of their Hall for our meetings, which was unanimously adopted.

On motion of Dr. Henry Boylston, of Charleston, it was unanimously

*Resolved*, That the thanks of the Convention be tendered to the President and Vice-Presidents for the courtesy, assiduity and impartiality with which they have presided over the deliberations, and to the Secretaries for the fidelity with which they have discharged their laborious duties.

On motion of Dr. W. T. Wragg, of Charleston, it was

*Resolved*, That the Convention do now resolve itself into the

"SOUTH-CAROLINA MEDICAL ASSOCIATION,"

and the officers of the Convention continue to act as officers of the Association, until others be appointed; which was unanimously adopted.

The Association then went into an election for Counsellors, when the following gentlemen were duly elected:

*Abbeville*—Drs. Isaac Branch and T. B. Dendy.

*Barnwell*—Dr. Amory Coffin.

*Charleston*—Drs. J. Moultrie, E. Horlbeck, T. Y. Simons, J. P. Jervey, F. Y. Porcher, S. W. Barker, R. Lebby, J. C. McKewn, H. Ravenel, T. Curtis, F. M. Robertson, W. T. Wragg and D. J. C. Cain.

*Chesterfield*—Dr. A. Williams.

*Colleton*—Drs. Edward Mitchell and H. W. Ford.

*Edgefield*—Drs. J. C. Ready and A. W. Youngblood.

*Fairfield*—Dr. Thos. T. Robertson.

*Georgetown*—Dr. J. E. Easterling.
*Kershaw*—Drs. W. J. McKain and R. B. Johnson.
*Lancaster*—Dr. R. E. Wylie.
*Lexington*—Dr. G. Muller.
*Newberry*—Dr. J. W. M'Cants.
*Orangeburg*—Dr. T. A. Elliott.
*Richland*—Dr. S. Fair.
*Sumter*—Dr. J. A. Mayes.
*Union*—Dr. W. K. Sims.
*York*—Dr. J. R. Bratton.

The Association adjourned, to meet, in accordance with the By-Laws, on the third Wednesday of February, 1849.

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After the adjournment of the Association, the Counsellors went into an election for officers of the Association, when the following gentlemen were declared duly elected:

DR. JAMES MOULTRIE, *President.*
DR. ISAAC BRANCH, DR. J. C. READY, *Vice Presidents.*
DR. D. J. C. CAIN, *Recording Secretary.*
DR. R. B. JOHNSON, *Corresponding Secretary.*
DR. F. M. ROBERTSON, *Treasurer.*
DR. P. C. GAILLARD, *Orator for* 1849.

# LIST OF MEMBERS OF THE CONVENTION.

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## ABBEVILLE DISTRICT.

J. B. Barratt,
Isaac Branch,
Thomas B. Dendy,
J. A. Gibert,
T. J. Mabry.

## BARNWELL DISTRICT.

Amory Coffin.

## CHARLESTON DISTRICT.

R. S. Bailey,
S. W. Barker,
J. Bellinger,
E. S. Bennet,
Henry Boylston,
J. W. Brailsford,
D. J. C. Cain,
P. M. Cohen,
Thomas Curtis,
J. L. Dawson,
E. H. Deas,
H. W. DeSaussure,
Edward Elfe,
W. M. Fitch,
C. Fitzsimons,
E. B. Flagg,
H. R. Frost,
A. E. Gadsden,
P. C. Gaillard,
E. Geddings,
A. P. Hayne,
E. Horlbeck,
J. E. Holbrook,
Wm. Hume,
J. P. Jervey,
Jos. Johnson,
R. Lebby,
Lawrence Lee,
A. G. Mackey,
W. M. Michel,
J. C. McKewn,
J. R. Motte,
James Moultrie,
W. L. Moultrie,
T. L. Ogier,
Geo. S. Pelzer,
St. J. Phillips,
F. P. Porcher,
F. Y. Porcher,
J. B. Powell,
J. F. Prioleau,
T. G. Prioleau,
W. G. Ramsay,
Henry Ravenel,
F. M. Robertson,
B. A. Rodrigues,
D. D. Sams,
J. W. Schmidt,
C. U. Shepard,
E. D. Smith,
Thos. Y. Simons,
E. S. Tennent,
B. F. Trapier,
A. B. Williman,
Henry Winthrop,
Saml. Wilson,
W. T. Wragg,
Joseph Yates.

CHESTERFIELD DISTRICT.

Alexander Williams.

COLLETON DISTRICT.

H. W. Ford, | Edward Mitchell,
John May, | W. M. Shuler.

EDGEFIELD DISTRICT.

J. C. Ready, | A. W. Youngblood.

FAIRFIELD DISTRICT.

Thos. T. Robertson.

GEORGETOWN DISTRICT.

J. E. Easterling.

KERSHAW DISTRICT.

W. J. McKain, | R. B. Johnson.

LANCASTER DISTRICT.

W. C. Cauthen, | R. E. Wylie.

LEXINGTON DISTRICT.

Gerhard Muller.

NEWBERRY DISTRICT.

J. W. McCants.

ORANGEBURG DISTRICT.

J. W. Keitt, | A. Salley,
J. Quattlebum, | A. Vogt.

RICHLAND DISTRICT.

Samuel Fair.

SUMTER DISTRICT.

J. A. Mayes.

UNION DISTRICT.

W. K. Sims.

YORK DISTRICT.

J. R. Bratton, | W. E. Adams.

# APPENDIX.

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## REPORTS OF COMMITTEES,

AS PRESENTED,

WITH THE

## RESOLUTIONS AS AMENDED AND ADOPTED.

# A.

## REPORT OF THE COMMITTEE

APPOINTED TO DRAFT

## BY-LAWS OF THE S. CAROLINA MEDICAL ASSOCIATION.

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The Committee appointed to draft By-Laws for the government of the South-Carolina Medical Association, beg leave to offer the following

### BY-LAWS OF THE SOUTH-CAROLINA MEDICAL ASSOCIATION.

#### I. TITLE OF THE ASSOCIATION

This Institution shall be known and distinguished by the name and title of the *South-Carolina Medical Association.*

#### II. MEMBERS.

1. This Association shall not be limited as to numbers, but shall be open to every gentleman of the Medical Profession, residing within the State, under the terms and conditions hereinafter to be expressed.

2. The members of the Association shall collectively represent and have cognizance of the common interests of the Medical Profession in every part of the State.

#### III. OFFICERS.

Besides fellows or members, the Association shall also consist of the following *Officers*: A Board of Counsellors, a President, two Vice-Presidents, Corresponding Secretary, Recording Secretary, Treasurer and Librarian.

#### IV. MEETINGS.

1. A meeting of the fellows of this Association shall be held annually on the third Wednesday of February, at ten o'clock, A.M., in the City of Charleston, if practicable, or otherwise, at such place as the President may appoint.

2. At such meeting ten fellows shall constitute a quorum for the transaction of business.

3. Notice of the Annual Meeting shall be given in two of the public papers, by the Recording Secretary, at least one month previously.

## V. ORDER OF BUSINESS.

1. The following shall be the order of business at the Annual Meeting of the Association:

2. The reading of the proceedings of the last Annual Meeting, by the Recording Secretary; also of the records of the transactions of the *Counsellors*, for the preceding year: and of the names of those who have been admitted during that time to *ordinary fellowship* or as *honorary members.*

3. The Board of Counsellors shall then be elected accordingly.

4. Reports of Committees shall then be called for by the President.

5. Alterations in the By-Laws, proposed by any fellow or by the Counsellors, shall next receive the attention of the Association; and these shall be submitted in writing, and not acted upon, until after having been submitted to the Counsellors; they are afterwards to be reported back to the Society.

6. Such Scientific Communications as the Counsellors may have ordered shall be laid before the Society.

7. Any popositions or suggestions which may be thought to be conducive to the general interest of Medical Science, or the welfare of the Association, may be offered by any member; the Association deciding by vote, whether to engage in the consideration of the same.

8. At one o'clock, P.M., the President shall call upon the anniversary orator to deliver the annual discourse; and all unfinished business shall be suspended until after its delivery.

## VI. ELECTIONS.

*Counsellors.*—The Counsellors shall be chosen from among the fellows residing in the several districts, in the proportion, as nearly as can be, of one Counsellor to every five fellows; provided that at least one Counsellor shall be chosen for each district.

*Officers.*—At the first stated meeting of the Counsellors every year, they shall choose from among the whole number of Counsellors who may be elected, a President of the Society, also two Vice-Presidents, a Recording Secretary, a Corresponding Secretary, a Treasurer and a Librarian.

1. *Membership.*—Nominations for membership of the Association must first be made to the Counsellors, before they are acted upon by the Association; and no action shall be had by the Association, saving where such nomination has been previously made, and that at least for three months previous to the meeting of the Association.

2. No one shall be eligible to fellowship but a graduate of the Medical College of this State, or who can satisfy the Counsellors that his education, professional and otherwise, has been such as to entitle him to that honor.

3. All *irregular* practitioners are absolutely prohibited. By an irregular practitioner is meant, one who is not a member of this Association, or a graduate of a reputable Medical College; or any Thomsonian, or any regular practitioner that may adopt or advocate the Thomsonian system; likewise any one who is expelled this Society, or withdraws from it without the consent of the Counsellors; who receives as students into his office, individuals who have failed to furnish evidence that they have the prerequisites enumerated in the proceedings of the South-Carolina Medical Association; or who in any way encourages Druggists who recommend and habitually vend nostrums, when he can procure pure articles elsewhere; or who does not conform to the universal Code of Ethics; or who violates the Fee Bill as established in the District or neighborhood in which he resides; or who offers to cure any disease by a medicine, the composition of which he keeps a secret, or vend, or advertise the same for sale. *Provided* this rule do not affect those persons who were received in their respective communities or neighborhoods as practitioners of Medicine, and who have borne a fair and honest character before the passage of the License Law of this State.

4. Nominations to the Counsellors, must be made by one or more of the fellows; but no resident of any established district shall be nominated by any one out of that district.

*Diploma.*—Every person elected a member of this Association shall be entitled, on application to the Recording Secretary, to a Diploma, in the following form, viz:

OMNIBUS AD QUOS HÆ LITTERÆ PERVENERINT.
SALUTEM.

Nos, Præses et Consultores Carolinæ Australis Societatis Medicæ, vos certiores facere volumus, quod Medici, mente artis medendi promovendæ, professionis sublevandæ, et Empiricorum supprimendorum, societatem dictam creaverunt, et legibus suis sanxerunt ut Nullus in eam cooptaretur nisi vir probis moribus sit, et Medicus ex ordine absolute eruditus.

Sciatis etiam, A. B., omni deliberatione adhibita, regulisque nostris apprime servatis, electum esse hujus Societatis Socium, et existimatum ejus immunitatibus et privilegiis dignum frui. Quapropter, auctoritate nobis commissâ, Eum hocce diplomate condecoravimus, et singulis juribus honoribusque ad illud quaqua pertinentibus gaudere jussimus.

In cujus rei testimonium, præsentibus, commune Societatis sigillum, et chirographa Præsidis, Scribæque a fastis, apponi fecimus, Die mensis Anno Domini Millesimo Octingentesimo

*Præses.*

*Scriba a fastis.*

*Honorary Members.*—There shall be Honorary Members of this Association, appointed from time to time, after the manner and according to the forms prescribed for the admission of ordinary fellows.

*Proxies.*—Fellows or Counsellors absent from any meeting, shall, in all cases, be entitled to vote by proxy in writing; provided, that no fellow be represented otherwise than by a fellow, and a Counsellor by a Counsellor, who shall represent no more than five others.

## VII. DISTRICT SOCIETIES.

There shall be also established, besides the *general* State Association, *District Societies* to be organized according to the mode and plan hereinafter set forth.

## VIII. DUTIES OF OFFICERS.

1. *Counsellors.*—The Counsellors shall hold three stated meetings annually; the first on the day immediately following the annual meeting of the Association, at the place of such meeting, or as near to it as possible, at ten o'clock A.M.; the second on the first Wednesday of April; and the third on the third Wednesday of November. The two last shall be at such hour and place as the President may appoint; of which due notice shall be given in two of the Charleston papers, at least fourteen days previously, in each instance.

2. The President shall call special meetings of the Counsellors, whenever he shall deem it expedient, or five Counsellors request it in writing; and the same notice shall be given as is required for stated meetings; except in a case not admitting of delay, when with the consent of five Counsellors, he may convoke the Counsellors at such notice as the circumstances may permit; and in case the President refuses to comply with the request of the Counsellors, then the latter, should the necessity of the call be deemed sufficiently urgent or important, shall do it on their own responsibility.

3. Any meeting of Counsellors may be continued by adjournment, by a vote of the majority of those present.

4. Nine Counsellors shall constitute a quorum for the transaction of business; but a smaller number may adjourn the meeting to any day within one week.

5. At the first stated meeting of the Counsellors every year, they shall choose by ballot, from among all the persons elected Counsellors, the following officers of the Society: a President, 2 Vice-Presidents, Recording Secretary, Corresponding Secretary, Treasurer, and Librarian; and at the same time choose by ballot from among the fellows of the Society, an Orator for the ensuing anniversary..

6. At the first meeting of the Counsellors, two standing committees shall be appointed, viz: a Committee on Publications, and a Committee on Resignations.

7. The Committee on Publications shall have direction of a publication, which shall be issued annually, by the association, as early after the annual meeting as practicable, to be distributed by the Secretary or Librarian to each fellow or retired member. And that publication shall contain the annual discourse, unless otherwise ordered by the Association or Counsellors; such other medical communications as the Counsellors may authorize to be published; an abstract of the proceedings of the Association, and transactions of the Counsellors, excepting such as are of a private or personal nature; together with a list of the officers of the State and District Societies, of those also who have become fellows or honorary members during the preceding year, or who have resigned, or been expelled.

The Committee on Resignations shall consider and admit of resignations from the Association, only on the following grounds, viz: total discontinuance of the practice of the profession; discontinuance from ill-health, with no reasonable prospect of resumption; and when the applicant has passed his 60th year.

8. Nominations of Committees at the meetings of Counsellors, shall be made by the President, unless otherwise ordered.

9. At the stated meeting immediately preceding the annual meeting of the Association, the Counsellors shall choose a Committee to examine the Treasurer's account, on the week preceding the annual meeting; they shall also appoint another Committee to examine the library and cabinet; and both of these Committees shall report to the Association at its annual meeting.

10. Nominations of candidates for fellowship, shall be according to the following form:

———, 184

The subscriber nominates to the Counsellors of the South-Carolina Medical Association, A. B., for admission as fellow.

He was educated by C. D., has been in practice 5 years, and has a respectable standing in the profession.

E. H.

11. The Counsellors shall not act upon any nomination, unless the nominee has been in practice 5 years. Extraordinary cases, however, shall constitute an exception. In that case, the circumstances must be stated in writing at the time of the nomination, signed and vouched for, by the fellow or fellows that nominate.

At the next stated meeting, the Counsellors shall decide by a majority of votes, whether or not the person so nominated, shall be ballotted for at a subsequent meeting, and if the decision be

negative, the nomination shall not be called up again ; but if affirmative, then at the next stated meeting, a vote shall be taken as to whether the candidate shall be balloted for, and the decision shall then be final.

12. At the final election, no final ballot shall be taken, unless there be present at the time, at least one Counsellor from the district where the candidate resides, or the candidate present a written recommendation that he be elected, from a Counsellor of the same district. The first stated meeting of Counsellors, however, shall be an exception to this rule.

13. The Counsellors at one of their stated meetings, shall appoint annually, a suitable person to deliver before the fellows, at their annual meeting, a discourse on some medical subject of his choice ; and in case of his declining the service, the President with five others, may appoint another in his stead. And every discourse so read, shall be considered the property of the Association, and a copy be required to be deposited by the anthor, with the Corresponding Secretary, within three months after its delivery.

14. The Counsellors shall also appoint a Committee of Three, annually, to revise the provisions for effecting the object of a General Registration of Births, Marriages and Deaths, and report to the Board of Counsellors, any defects which remain to be supplied, or which it may be proper to bring to the notice of the Legislature; which shall be considered by the Counsellors, and either acted upon by them, or brought to the attention of the Association, as they may see fit.

They shall also appoint annually, delegates to represent the Association in the *American Medical Association.*

1. *President.*—The President shall call all meetings of the Association and Counsellors ; preside at the same; preserve order ; regulate the debates ; state and put questions ; call for reports of Committees ; enforce the by-laws, rules and orders ; have the casting vote, and perform such other duties as may be assigned him.

2. *Vice-President.*—In case of the absence, from any cause whatever, either from the meetings of the Association or Counsellors, of the President, one of the Vice-Presidents shall perform all of the duties incidental to the Presidency. And in case of the absence of all these officers, the duties shall devolve upon the senior Counsellor present.

3. *Corresponding Secretary.*—The Corresponding Secretary shall receive and have the custody of all communications to the Association and Counsellors, and prepare and transmit answers to the same, in such form or language as the Counsellors may direct ; he may cause letters or communications in a foreign language to be translated into English, or vice versa ; report to the

Counsellors at their meetings those who had become fellows at the preceding meeting; transmit to the Treasurer of the Association, a fortnight before its annual meeting, the names of the new fellows for the preceding year; and perform all such other duties as may be assigned him. Letters and communications should be addressed to him.

4. *Recording Secretary.*—The Recording Secretary shall keep the Seal of the Association, together with its records, and those of the Counsellors, and all papers required to be filed; supply elected members with their diplomas, signed by the President, and with his own signature, and with the Seal of the Society duly affixed, and to the officers of the Association such other blank certificates, as the by-laws may render necessary or proper; notify and attend the meetings of both, keep a fair record of their respective proceedings, read their minutes, and all such communications as the Counsellors may require to be made; receive and record nominations for election into the Association, and cause them to be laid before the Counsellors at their stated meetings; notify Chairmen of Committees appointed by the Association or Counsellors, specifying in each case, the commission and names of the Committee; keep a copy of the By-Laws ready for subscription; and perform all such other duties as may be assigned him.

Either of the Secretaries being absent from the meetings of the Association or Counsellors, his duties shall be performed by the other, if present; and a transfer, as soon as possible, be made to the absent Secretary, of the papers, orders or records, belonging to his department.

The records of the Association and of the Counsellors, shall be produced at every annual meeting of the former, and be otherwise at all times conveniently accessible to every fellow.

5. *Treasurer.*—The Treasurer shall have the care and management of the fiscal concerns of the Association; keep an accurate account of receipts and expenditures; furnish an annual statement of the same and the funds in his hands, or other property, at the annual assembly of the Association; subject his accounts to such examination as the Counsellors may order; receive all donations or bequests, as well as money due to the Association; and under the direction of the Counsellors sue for all fines, assessments, sell or lease any estate, and execute the necessary papers. He shall also examine all charges and accounts against the Association, and present them for payment, if correct, to the President; but shall not pay any money out of the Treasury, without an order from that officer; and when the Counsellors shall deem it requisite, and the funds admit of his being compensated, due security shall be required for the trust reposed in him, and a suitable per centage or salary be given for his services.

6. *Librarian.*—The Librarian shall keep the books, instruments, apparatus, museum, &c. of the Association; arrange them in proper order, and make an accurate registry of the same; obey such directions as he may receive from the Counsellors; prepare an annual statement of the business of his department for a Committe authorized to receive and report the same to the Counsellors; carefully record all donations to his department, and distribute, as the Counsellors may direct, the publications of the Association. He shall also perform all other duties that may be assigned him.

7. Officers may resign, for sufficient reasons; or be removed by the Counsellors, for inattention, neglect or misconduct. In either instance, or a vacancy occasioned by death, the Counsellors shall fill up the vacancy as soon as may be convenient.

## IX. ASSESSMENTS.

Every fellow shall contribute $5 annually to the funds of the Association, and pay the same to the Treasurer; and if not paid at the Annual Meeting, the Treasurer shall collect it as soon thereafter as possible, and always, if practicable, within the year. Legal measures to enforce it may also be taken by him, under the direction of the Counsellors.

## X. RESIGNATIONS.

No member, while a Practitioner in this State, shall resign from the Association, without the permission of the Counsellors; and no resignations be allowed by the Counsellors, but upon satisfactory reasons, given in writing and accompanying the application; or where the applicant has attained the age of 60 years.

## XI. RETIRED MEMBERS.

Members at 60 years, resigning by permission of the Counsellors, shall be designated as *Retired Members*, and be freed from assessments and liabilities of office, at the same time that they are suffered to retain all the other privileges of membership. But they shall conform to all the requirements of the Society, and be subjected to its penalties.

## XII. EXPULSION.

Any member may be expelled from the Association, or having resigned, be deprived of his privileges, by a majority of two-thirds of the fellows present, for notorious and gross immorality; infamous crime under the laws of the land; attempt to destroy this Association; violation of any of its by-laws of which expulsion is the penalty; and false certificates of studies, or character of Students of Medicine. The expulsion may be

made at any annual meeting. The charge or charges, however, must have been first considered by the Counsellors, and brought forward by them; or have been made at a preceding annual meeting. And ample opportunity shall be afforded for refutation or defence before the Association.

### XIII. FORM OF SUBSCRIPTION.

The subscribers agree to comply with the By-Laws of the South-Carolina Medical Association.

### XIV. SCIENTIFIC COMMUNICATIONS.

1. Scientific Communications shall be made to the Counsellors, who are authorised to receive and consider them, and dispose of them as they may judge most expedient.

2. Inquiries on professional topics may, through or by them, be also submitted to the fellows, and communications requested relative to the same. And such of these as they may select, or from the Association as they may judge proper, or from their own Board, or which they may think conducive to the welfare of Medical Science, they may cause to be published, at the expense of the Association, within the limit of its funds.

### XV. LIBRARY.

A portion of the annual assessment shall be set apart, after the defrayment of the necessary expenditures of the Association, for the institution of a Library; which shall be determined upon, and appropriated towards that object, by the Counsellors; and loaned out to members under the following rules:

On personal or written application to the Librarian, and a receipt for the same.

On condition that injuries and losses be completely repaired or replaced by the borrower.

That no book be retained longer than a year; and fifty cents a week be paid for any detention beyond that time; and all further advantage of the Library be denied until the conditions of this article be complied with.

And that not more than one folio, two quartos, or three smaller volumes, be taken out by any person at any one time.

Each Book shall be stamped by the Librarian with the name and arms of the Society; and the date of the receipt and delivery recorded in a book to be kept for the purpose.

Until so stamped, no book shall be suffered to leave the Library.

### XVI. CODE OF ETHICS.

The Association adopts, as its Code of Ethics, the one which has been commended and adopted by the American Medical Association.

### XVII. FEE BILL.

It shall be the duty of each District or Association to establish a Fee-Bill to govern its own members.

### XVIII. DISTRICT SOCIETIES.

1. It being important that there should be but one medical organization throughout the State, that the District Societies should be collateral branches of one parent Society, and that distinct associations, with equal powers, opposing each other, defeating the objects of a medical organization and bringing contempt upon the whole body of the profession, should be avoided. The following are the restrictions under which this association shall proceed whenever called upon to institute them.

2. The whole State shall be divided into *Medical Districts*, as experience or expediency may determine.

3. Whenever any district is desirous of organizing a District Medical Society, it shall apply in writing to the Counsellors, stating the extent of territory and the number of practitioners intended to be comprehended by it, and the village, town or place where it is proposed to hold the meetings. And upon their acceding to the application the Counsellors, shall cause to be forthwith issued a charter to the following effect:

COMMONWEALTH OF SO. CA.

[L. S.] By the Counsellors of the South-Carolina Association.

To ————————,

*Fellows of the said Society, greeting:*

Your application, made in due form, requesting the institution of a subordinate District Medical Society, to consist of fellows of the South-Carolina Medical Association, residing in the in the District of , viz: was duly considered, at a meeting of the Counsellors held at on the day of , A.D. 18 , and it was thereupon voted that your request should be granted.

Be it therefore known, that pursuant to an act of the Legislature of this commonwealth, entitled , authorizing the Counsellors of the South-Carolina Medical Association thereunto, a District subordinate Society, by the name of , is hereby established, to consist of those fellows of the South-Carolina Medical Association, now resident within the limits aforesaid, for the purpose of electing officers and transacting such other business as they shall deem expedient.

In testimony whereof, the President, pursuant to the aforesaid vote of the Counsellors, has hereunto subscribed his name and affixed the seal of the corporation of this day of A.D. 18 .

A. B., *President.*

Attest, C. D., *Recording Secretary.*

*Election of Officers.*

1. Every District Medical Society shall elect annually a President, Secretary, Treasurer, Librarian and such other officers as it may see fit, who shall examine all communications made to that Society and direct the Secretary thereof to transmit to the Corresponding Secretary of the Association such communications, copy thereof or extracts from, as they may judge deserving the inspection of the Counsellors. *Secretary.*—Each District Secretary, immediately after the election of officers, shall annually transmit to the Recording Secretary a list of the officers chosen, have custody of all communications made to that Society, keep a fair record of their proceedings and transmit an account of the same to the Corresponding Secretary, and from time to time transmit also to the same Secretary whatever communications the district officers may think worthy of being brought to the notice of the Counsellors, and any change that may occur in his district by the death or removal of a fellow of the Society, and any omission of duty he may be requested by the Corresponding Secretary to fulfil, on the authority of this by-law.

2. Previous to the annual meeting in each year, every District Society shall elect the number of Counsellors to which it is entitled, and make known the same through its Secretary to the Recording Secretary, before the annual meeting of the association.

3. Any village, town, &c., adjoining a Medical District, but not included within its limits, in which there are fellows wishing to connect themselves with the District Society they adjoin, may receive authority to do so upon application to the Counsellors, provided they have the concurrence of that Society, expressed by a majority of votes taken at one of their regular meetings.

## XIX. DECISIONS.

All questions requiring to be settled in the Association, Board of Counsellors, or District Societies, not otherwise specially provided for, shall be settled by ballot, by a majority of the fellows or members present.

## XX. PENALTIES.

1. All improprieties on the part of officers or fellows, for which no special penalty has been provided, shall be punishable in such a manner as the Counsellors, after deliberation, may think proper to inflict, in the way of suspension or expulsion, after due admonition and opportunity of exculpation.

2. Any fellow not conforming to the Code of Ethics shall be expelled.

3. The same penalty, of expulsion, shall be inflicted upon any fellow violating the fee-bill.

4. Any member consulting with an irregular practitioner, or aiding and abetting him, shall be declared an irregular practitioner himself, and be liable to expulsion.

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## ORDERS.

1. The Association shall dine together on the day of its annual meeting, at the expense of the Association. Dinner to be provided by a Committee appointed for the occasion by the President.

2. Professional strangers shall be invited to dinner at the discretion of the President.

3. The President, at the meetings of the Association or Counsellors, shall not vacate the chair, unless permitted to do so, or required by some urgent occasion; nor speak to any question without first obtaining permission.

4. Members speaking must rise, and address the Chair, and sit down when they have done.

5. Members who have spoken, shall always give place to those who have not.

6. No member speaking shall be interrupted, unless to correct a mistake, or to call him to order.

7. All speaking shall cease, after any question has been put.

8. No motion shall be considered unless seconded.

9. No vote shall be re-considered at the same meeting by a less number than were present at its passing.

10. Literary gentlemen interested in Medical Science, and Medical Students, shall be publicly invited to hear the annual discouse.

11. All printed publications shall be in the octavo form.

All of which is respectfully submitted.

E. HORLBECK, M.D.
R. B. JOHNSON, M.D.
R. E. WYLIE, M.D. } Committee.
J. A. MAYES, M.D.
H. W. FORD, M.D.

# CODE OF MEDICAL ETHICS,

*Adopted by the American Medical Association, and recognized by the South-Carolina Medical Association.*

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## INTRODUCTION TO THE CODE OF MEDICAL ETHICS.

Medical ethics, as a branch of general ethics, must rest on the basis of religion and morality. They comprise not only the duties, but, also the rights of a physician: and, in this sense, they are identical with Medical Deontology—a term introduced by a late writer, who has taken the most comprehensive view of the subject.

In framing a code on this basis, we have the inestimable advantage of deducing its rules from the conduct of the many eminent physicians who have adorned the profession by their learning and their piety. From the age of Hippocrates to the present time, the annals of every civilized people contain abundant evidences of the devotedness of medical men to the relief of their fellow-creatures from pain and disease, regardless of the privation and danger, and not seldom obloquy, encountered in return; a sense of ethical obligations rising superior, in their minds, to considerations of personal advancement. Well and truly was it said by one of the most learned men of the last century: that the duties of a physician were never more beautifully exemplified than in the conduct of Hippocrates, nor more eloquently described than in his writings.

We may here remark, that, if a state of probation be intended for moral discipline, there is, assuredly, much in the daily life of a physician to impart this salutary training, and to insure continuance in a course of self-denial, and, at the same time, of zealous and methodical efforts for the relief of the suffering and unfortunate, irrespective of rank or fortune, or of fortuitous elevation of any kind.

A few considerations on the legitimate range of medical ethics will serve as an appropriate introduction to the requisite rules for our guidance in the complex relations of professional life.

Every duty or obligation implies, both in equity and for its successful discharge, a corresponding right. As it is the duty of a physician to advise, so has he a right to be attentively and re-

spectfully listened to. Being required to expose his health and life for the benefit of the community, he has a just claim, in return, on all its members, collectively and individually, for aid to carry out his measures, and for all possible tenderness and regard to prevent needlessly harassing calls on his services and unnecessary exhaustion of his benevolent sympathies.

His zeal, talents, attainments and skill are qualities which he holds in trust for the general good, and which cannot be prodigally spent, either through his own negligence or the inconsiderateness of others, without wrong and detriment both to himself and to them.

The greater the importance of the subject and the more deeply interested all are in the issue, the more necessary is it that the physician—he who performs the chief part, and in whose judgment and discretion under Providence, life is secured and death turned aside—should be allowed the free use of his faculties, undisturbed by a querulous manner, and desponding, angry, or passionate interjections, under the plea of fear, or grief, or disappointment of cherished hopes, by the sick and their friends.

All persons privileged to enter the sick room, and the number ought to be very limited, are under equal obligations of reciprocal courtesy, kindness and respect; and, if any exception be admissible, it cannot be at the expense of the physician. His position, purposes and proper efforts eminently entitle him to, at least, the same respectful and considerate attentions that are paid, as a matter of course and apparently without constraint, to the clergyman, who is admitted to administer spiritual consolation, and to the lawyer, who comes to make the last will and testament.

Although professional duty requires of a physician, that he should have such a control over himself as not to betray strong emotion in the presence of his patient, nor to be thrown off his guard by the querulousness or even rudeness of the latter, or of his friends at the bedside, yet, and the fact ought to be generally known, many medical men, possessed of abundant attainments and resources, are so constitutionally timid and readily abashed as to lose much of their self-possession and usefulness at the critical moment, if opposition be abruptly interposed to any part of the plan which they are about devising for the benefit of their patients.

Medical ethics cannot be so divided as that one part shall obtain the full and proper force of moral obligations on physicians universally, and, at the same time, the other be construed in such a way as to free society from all restrictions in its conduct to them; leaving it to the caprice of the hour to determine whether the truly learned shall be overlooked in favour of ignorant pretenders—persons destitute alike of original talent and acquired fitness.

The choice is not indifferent, in an ethical point of view, besides its important bearing on the fate of the sick themselves, between the directness and sincerity of purpose, the honest zeal, the learning and impartial observations, accumulated from age to age for thousands of years, of the regularly initiated members of the medical profession, and the crooked devices and low arts, for evidently selfish ends, the unsupported promises and reckless trials of interloping empirics, whose very announcements of the means by which they profess to perform their wonders are, for the most part, misleading and false, and, so far, fraudulent.

In thus deducing the rights of a physician from his duties, it is not meant to insist on such a correlative obligation, that the withholding of the right exonerates from the discharge of the duty. Short of the formal abandonment of the practice of his profession, no medical man can withhold his services from the requisition either of an individual or of the community, unless under circumstances, of rare occurrence, in which his compliance would be not only unjust but degrading to himself, or to a professional brother, and so far diminish his future usefulness.

In the discharge of their duties to society, physicians must be ever ready and prompt to administer professional aid to all applicants, without prior stipulation of personal advantages to themselves.

On them devolves, in a peculiar manner, the task of noting all the circumstances affecting the public health, and of displaying skill and ingenuity in devising the best means for its protection.

With them rests, also, the solemn duty of furnishing accurate medical testimony in all cases of criminal accusation of violence, by which health is endangered and life destroyed, and in those other numerous ones involving the question of mental sanity and of moral and legal responsibility.

On these subjects—Public Hygiene and Medical Jurisprudence—every medical man must be supposed to have prepared himself by study, observation, and the exercise of a sound judgment. They cannot be regarded in the light of accomplishments merely: they are an integral part of the science and practice of medicine.

It is a delicate and noble task, by the judicious application of Public Hygiene, to prevent disease and to prolong life; and thus to increase the productive industry, and, without assuming the office of moral and religious teaching, to add to the civilization of an entire people.

In the performance of this part of their duty, physicians are enabled to exhibit the close connection between hygiene and morals; since all the causes contributing to the former are nearly equally auxiliary to the latter.

Physicians, as conservators of the public health, are bound to bear emphatic testimony against quackery in all its forms; whether it appears with its usual effrontery, or masks itself under the garb of philanthropy and sometimes of religion itself.

By an anomaly in legislation and penal enactments, the laws, so stringent for the repression and punishment of fraud in general, and against attempts to sell poisonous substances for food, are silent, and of course in-operative, in the cases of both fraud and poisoning so extensively carried on by the host of quacks who infest the land.

The newspaper press, powerful in the correction of many abuses, is too ready, for the sake of lucre, to aid and abet the enormities of quackery. Honourable exceptions to the once general practice in this respect are becoming, happily, more numerous, and they might be more rapidly increased, if physicians, when themselves free from all taint, were to direct the attention of the editors and proprietors of newspapers, and of periodical works in general, to the moral bearings of the subject.

To those who, like physicians, can best see the extent of the evil, it is still more mortifying than in the instances already mentioned, to find members of other professions, and especially ministers of the Gospel, so prone to give their countenance, and, at times, direct patronage, to medical empirics, both by their use of nostrums, and by their certificates in favour of the absurd pretensions of these impostors.

The credulous, on these occasions, place themselves in the dilemma of bearing testimony either to a miracle or to an imposture: to a miracle, if one particular agent, and it often of known inertness or slight power, can cure all diseases, or even any one disease in all its stages; to an imposture, if the alleged cures are not made, as experience shows that they are not.

But by no class are quack medicines and nostrums so largely sold and distributed as by apothecaries, whose position towards physicians, although it may not amount to actual affinity, is such that it ought, at least, to prevent them from entering into an actual, if not formally recognized, alliance with empirics of every grade and degree of pretension.

Too frequently we meet with physicians who deem it a venial error, in ethics, to permit, and even to recommend, the use of a quack medicine or secret compound by their patients and friends. They forget that their toleration implies sanction of a recourse by the people generally to unknown, doubtful and conjectural fashions of medication; and that the credulous in this way soon become the victims of an endless succession of empirics. It must have been generally noticed, also, that they, whose faith is strongest in the most absurd pretensions of quackery, entertain the greatest skepticism towards regular and philosophic medicine.

Adverse alike to ethical propriety and to medical logic, are the various popular delusions which, like so many epidemics, have, in successive ages, excited the imagination with extravagant expectations of the cure of all diseases and the prolongation of life beyond its customary limits, by means of a single substance. Although it is not in the power of physicians to prevent, or always to arrest, these delusions in their progress, yet it is incumbent on them, from their superior knowledge and better opportunities, as well as from their elevated vocation, steadily to refuse to extend to them the slightest countenance, still less support.

These delusions are sometimes manifested in the guise of a new and infallible system of medical practice,—the faith in which, among the excited believers, is usually in the inverse ratio of the amount of common sense evidence in its favour. Among the volunteer missionaries for its dissemination, it is painful to see members of the sacred profession, who, above all others, ought to keep aloof from vagaries of any description, and especially of those medical ones which are allied to empirical imposture.

The plea of good intention is not an adequate reason for the assumption of so grave a responsibility as the propagation of a theory and practice of medicine, of the real foundation and nature of which the mere medical amateur must necessarily, from his want of opportunities for study, observation, and careful comparison, be profoundly ignorant.

In their relations with the sick, physicians are bound, by every consideration of duty, to exercise the greatest kindness with the greatest circumspection; so that, whilst they make every allowance for impatience, irritation, and inconsistencies of manner and speech of the sufferers, and do their utmost to sooth and tranquilize, they shall, at the same time, elicit from them, and the persons in their confidence, a revelation of all the circumstances connected with the probable origin of the diseases which they are called upon to treat.

Owing either to the confusion and, at times, obliquity of mind produced by the disease, or to considerations of false delicacy and shame, the truth is not always directly reached on these occasions; and hence the necessity, on the part of the physician, of a careful and minute investigation into both the physical and moral state of his patient.

A physician in attendance on a case should avoid expensive complications and tedious ceremonials, as being beneath the dignity of true science and embarrassing to the patient and his family, whose troubles are already great.

In their intercourse with each other, physicians will best consult and secure their own self-respect and consideration from society in general, by a uniform courtesy and high-minded con-

duct towards their professional brethren. The confidence in his intellectual and moral worth, which each member of the profession is ambitious of obtaining for himself among his associates, ought to make him willing to place the same confidence in the worth of others.

Veracity, so requisite in all the relations of life, is a jewel of inestimable value in medical description and narrative, the lustre of which ought never to be tainted for a moment, by even the breath of suspicion. Physicians are peculiarly enjoined, by every consideration of honour and of conscientious regard for the health and lives of their fellow beings, not to advance any statement unsupported by positive facts, nor to hazard an opinion or hypothesis that is not the result of deliberate inquiry into all the data and bearings of which the subject is capable.

Hasty generalization, paradox and fanciful conjectures, repudiated at all times by sound logic, are open to the severest reprehension on the still higher grounds of humanity and morals. Their tendency and practical operation cannot fail to be eminently mischievous.

Among medical men associated together for the performance of professional duties in public institutions, such as Medical Colleges, Hospitals and Dispensaries, there ought to exist, not only harmonious intercourse, but also a general harmony in doctrine and practice; so that neither students nor patients shall be perplexed, nor the medical community mortified by contradictory views of the theory of disease, if not of the means of curing it.

The right of free inquiry, common to all, does not imply the utterance of crude hypothesis, the use of figurative language, a straining after novelty for novelty's sake, and the involution of old truths, for temporary effect and popularity, by medical writers and teachers. If, therefore, they who are engaged in a common cause, and for the furtherance of a common object, could make an offering of the extreme, the doubtful, and the redundant, at the shrine of philosophical truth, the general harmony in medical teaching, now desired, would be of easy attainment.

It is not enough, however, that the members of the medical profession be zealous, well informed and self-denying, unless the social principle be cultivated by their seeking frequent intercourse with each other, and cultivating, reciprocally, friendly habits of acting in common.

By union alone can medical men hope to sustain the dignity and extend the usefulness of their profession. Among the chief means to bring about this desirable end, are frequent social meetings and regularly organized Societies; a part of whose beneficial operation would be an agreement on a suitable standard of medical education, and a code of medical ethics.

Greatly increased influence, for the entire body of the profes-

sion, will be acquired by a union for the purposes of common benefit and the general good; while to its members, individually, will be insured a more pleasant and harmonious intercourse, one with another, and an avoidance of many heartburnings and jealousies, which originate in misconception, through misrepresentation on the part of individuals in general society, of each other's disposition, motives, and conduct.

In vain will physicians appeal to the intelligence and elevated feelings of the members of other professions, and of the better part of society in general, unless they be true to themselves, by a close adherence to their duties, and by firmly yet mildly insisting on their rights; and this not with a glimmering perception and faint avowal, but, rather with a full understanding and firm conviction.

Impressed with the nobleness of their vocation, as trustees of science and almoners of benevolence and charity, physicians should use unceasing vigilance to prevent the introduction into their body of those who have not been prepared by a suitably preparatory moral and intellectual training.

No youth ought to be allowed to study medicine, whose capacity, good conduct, and elementary knowledge are not equal, at least, to the common standard of academical requirements.

Human life and human happiness must not be endangered by the incompetency of presumptuous pretenders. The greater the inherent difficulties of medicine, as a science, and the more numerous the complications that embarrass in its practice, the more necessary is it that there should be minds of a high order and thorough cultivation, to unravel its mysteries and to deduce scientific order from apparently empirical confusion.

We are under the strongest ethical obligations to preserve the character which has been awarded, by the most learned men and best judges of human nature, to the members of the medical profession, for general and extensive knowledge, great liberality and dignity of sentiment, and prompt effusions of beneficence.

In order that we may continue to merit these praises, every physician, within the circle of his acquaintance, should impress both fathers and sons with the range and variety of medical study, and with the necessity of those who desire to engage in it, possessing, not only good preliminary knowledge, but, likewise, some habits of regular and systematic thinking.

If able teachers and writers, and profound inquirers, be still called for to expound medical science, and to extend its domain of practical application and usefulness, they cannot be procured by intuitive effort on their own part, nor by the exercise of the elective suffrage on the part of others. They must be the product of a regular and comprehensive system,—members of a large class, from the great body of which they only differ by the

force of fortuitous circumstances, that gives them temporary vantage ground for the display of qualities and attainments common to their brethren.

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## CHAPTER I.

### OF THE DUTIES OF PHYSICIANS TO THEIR PATIENTS AND OF THE OBLIGATIONS OF PATIENTS TO THEIR PHYSICIANS.

### ART. I.—*Duties of Physicians to their Patients.*

§ 1. A Physician should not only be ever ready to obey the calls of the sick, but his mind ought also to be imbued with the greatness of his mission, and the responsibility he habitually incurs in its discharge. Those obligations are the more deep and enduring, because there is no tribunal other than his own conscience, to adjudge penalties for carelessness or neglect. Physicians should, therefore, minister to the sick with due impressions of the importance of their office; reflecting that the ease, the health, and the lives of those committed to their charge, depend on their skill, attention and fidelity. They should study, also, in their deportment, so to unite *tenderness* with *firmness*, and *condescension* with *authority*, as to inspire the minds of their patients with gratitude, respect and confidence.

§ 2. Every case committed to the charge of a physician should be treated with attention, steadiness and humanity. Reasonable indulgence should be granted to the mental imbecility and caprices of the sick. Secrecy and delicacy, when required by peculiar circumstances, should be strictly observed; and the familiar and confidential intercourse to which physicians are admitted in their professional visits, should be used with discretion, and with the most scrupulous regard to fidelity and honor. The obligation of secrecy extends beyond the period of professional services; none of the privacies of personal and domestic life, no infirmity of disposition or flaw of character observed during professional attendance, should ever be divulged by him except when he is imperatively required to do so. The force and necessity of this obligation are indeed so great, that professional men have, under certain circumstances, been protected in their observance of secrecy, by courts of justice.

§ 3. Frequent visits to the sick are in general requisite, since they enable the physician to arrive at a more perfect knowledge of the disease,—to meet promptly every change which may occur, and also tend to preserve the confidence of the patient. But unnecessary visits are to be avoided, as they give useless anxiety to

the patient, tend to diminish the authority of the physician, and render him liable to be suspected of interested motives.

§ 4 A physician should not be forward to make gloomy prognostications, because they savour of empiricism, by magnifying the importance of his services in the treatment or cure of the disease. But he should not fail, on proper occasions, to give to the friends of the patient timely notice of danger, when it really occurs; and even to the patient himself, if absolutely necessary. This office, however, is so peculiarly alarming when executed by him, that it ought to be declined whenever it can be assigned to any other person of sufficient judgment and delicacy. For, the physician should be the minister of hope and comfort to the sick; that, by such cordials to the drooping spirit, he may smooth the bed of death, revive expiring life, and counteract the depressing influence of those maladies which often disturb the tranquillity of the most resigned, in their last moments. The life of a sick person can be shortened not only by the acts, but also by the words or the manner of a physician. It is, therefore, a sacred duty to guard himself carefully in this respect, and to avoid all things which have a tendency to discourage the patient and to depress his spirits.

§ 5. A physician ought not to abandon a patient because the case is deemed incurable; for his attendance may continue to be highly useful to the patient, and comforting to the relatives around him, even in the last period of a fatal malady, by alleviating pain and other symptoms, and by soothing mental anguish. To decline attendance, under such circumstances, would be sacrificing to fanciful delicacy and mistaken liberality, that moral duty, which is independent of, and far superior to all pecuniary considerations.

§ 6. Consultations should be promoted in difficult or protracted cases, as they give rise to confidence, energy, and more enlarged views in practice.

§ 7. The opportunity which a physician not unfrequently enjoys of promoting and strengthening the good resolutions of his patients, suffering under the consequences of vicious conduct, ought never to be neglected. His counsels, or even remonstrances, will give satisfaction, not offence, if they be proffered with politeness, and evince a genuine love of virtue, accompanied by a sincere interest in the welfare of the person to whom they are addressed.

### Art. II.—*Obligations of Patients to their Physicians.*

§ 1. The members of the medical profession, upon whom are enjoined the performance of so many important and arduous duties towards the community, and who are required to make

so many sacrifices of comfort, ease, and health, for the welfare of those who avail themselves of their services, certainly have a right to expect and require, that their patients should entertain a just sense of the duties which they owe to their medical attendants.

§ 2. The first duty of a patient is, to select as his medical adviser one who has received a regular professional education. In no trade or occupation, do mankind rely on the skill of an untaught artist; and in medicine, confessedly the most difficult and intricate of the sciences, the world ought not to suppose that knowledge is intuitive.

§ 3. Patients should prefer a physician, whose habits of life are regular, and who is not devoted to company, pleasure, or to any pursuit incompatible with his professional obligations. A patient should, also, confide the care of himself and family, as much as possible, to one physician, for a medical man who has become acquainted with the peculiarities of constitution, habits, and predispositions, of those he attends, is more likely to be successful in his treatment, than one who does not possess that knowledge.

A patient who has thus selected his physician, should always apply for advice in what may appear to him trivial cases, for the most fatal results often supervene on the slightest accidents. It is of still more importance that he should apply for assistance in the forming stage of violent diseases; it is to a neglect of this precept that medicine owes much of the uncertainty and imperfection with which it has been reproached.

§ 4. Patients should faithfully and unreservedly communicate to their physician the supposed cause of their disease. This is the more important, as many diseases of a mental origin simulate those depending on external causes, and yet are only to be cured by ministering to the mind diseased. A patient should never be afraid of thus making his physician his friend and adviser; he should always bear in mind that a medical man is under the strongest obligations of secrecy. Even the female sex should never allow feelings of shame or delicacy to prevent their disclosing the seat, symptoms and causes of complaints peculiar to them. However commendable a modest reserve may be in the common occurrences of life, its strict observance in medicine is often attended with the most serious consequences, and a patient may sink under a painful and loathsome disease, which might have been readily prevented had timely intimation been given to the physician.

§ 5. A patient should never weary his physician with a tedious detail of events or matters not appertaining to his disease. Even as relates to his actual symptoms, he will convey much more real information by giving clear answers to interrogatories,

than by the most minute account of his own framing. Neither should he obtrude the details of his business nor the history of his family concerns.

§ 6. The obedience of a patient to the prescriptions of his physician should be prompt and implicit. He should never permit his own crude opinions as to their fitness, to influence his attention to them. A failure in one particular may render an otherwise judicious treatment dangerous, and even fatal. This remark is equally applicable to diet, drink, and exercise. As patients become convalescent they are very apt to suppose that the rules prescribed for them may be disregarded, and the consequence but too often, is a relapse. Patients should never allow themselves to be persuaded to take any medicine whatever, that may be recommended to them by the self-constituted doctors and doctresses, who are so frequently met with, and who pretend to possess infallible remedies for the cure of every disease. However simple some of their prescriptions may appear to be, it often happens that they are productive of much mischief, and in all cases they are injurious, by contravening the plan of treatment adopted by the physician.

§ 7. A patient should, if possible, avoid even the *friendly visits of a physician* who is not attending him,—and when he does receive them, he should never converse on the subject of his disease, as an observation may be made, without any intention of interference, which may destroy his confidence in the course he is pursuing, and induce him to neglect the directions prescribed to him. A patient should never send for a consulting physician without the express consent of his own medical attendant. It is of great importance that physicians should act in concert; for, although their modes of treatment may be attended with equal success when employed singly, yet conjointly they are very likely to be productive of disastrous results.

§ 8. When a patient wishes to dismiss his physician, justice and common courtesy require that he should declare his reasons for so doing.

§ 9. Patients should always, when practicable, send for their physician in the morning, before his usual hour of going out; for, by being early aware of the visits he has to pay during the day, the physician is able to apportion his time in such a manner as to prevent an interference of engagements. Patients should also avoid calling on their medical adviser unnecessarily during the hours devoted to meals or sleep. They should always be in readiness to receive the visits of their physician, as the detention of a few minutes is often of serious inconvenience to him.

§ 10. A patient should, after his recovery, entertain a just and enduring sense of the value of the services rendered him by his physician; for these are of such a character, that no mere pecuniary acknowledgment can repay or cancel them.

## CHAPTER II.

### OF THE DUTIES OF PHYSICIANS TO EACH OTHER, AND TO THE PROFESSION AT LARGE.

#### ART. I.—*Duties for the support of professional character.*

§ 1. Every individual, on entering the profession, as he becomes thereby entitled to all its privileges and immunities, incurs an obligation to exert his best abilities to maintain its dignity and honour, to exalt its standing, and to extend the bounds of its usefulness. He should therefore observe strictly, such laws as are instituted for the government of its members—should avoid all contumelious and sarcastic remarks relative to the faculty, as a body; and while, by unwearied diligence, he resorts to every honourable means of enriching the science, he should entertain a due respect for his seniors, who have, by their labours, brought it to the elevated condition in which he finds it.

§ 2. There is no profession, from the members of which greater purity of character, and a higher standard of moral excellence are required, than the medical; and to attain such eminence, is a duty every physician owes alike to his profession, and to his patients. It is due to the latter, as without it he cannot command their respect and confidence, and to both, because no scientific attainments can compensate for the want of correct moral principles. It is also incumbent upon the faculty to be temperate in all things, for the practice of physic requires the unremitting exercise of a clear and vigorous understanding; and, on emergencies for which no professional man should be unprepared, a steady hand, an acute eye, and an unclouded head may be essential to the well-being, and even to the life, of a fellow creature.

§ 3. It is derogatory to the dignity of the profession, to resort to public advertisements or private cards or handbills, inviting the attention of individuals affected with particular diseases—publicly offering advice and medicine to the poor gratis, or promising radical cures; or to publish cases and operations in the daily prints or suffer such publications to be made;—to invite laymen to be present at operations,—to boast of cures and remedies,—to adduce certificates of skill and success, or to perform any other similar acts. These are the ordinary practices of empirics, and are highly reprehensible in a regular physician.

§ 4. Equally derogatory to professional character is it, for a physician to hold a patent for any surgical instrument, or medicine; or to dispense a secret *nostrum*, whether it be the composition or exclusive property of himself, or of others. For, if such nostrum be of real efficacy, any concealment regarding it is inconsistent with beneficence and professional liberality; and, if

mystery alone give it value and importance, such craft implies either disgraceful ignorance, or fraudulent avarice. It is also reprehensible for physicians to give certificates attesting the efficacy of patent or secret medicines, or in any way to promote the use of them.

ART. II.—*Professional services of physicians to each other.*

§ 1. All practitioners of medicine, their wives, and their children, while under the paternal care, are entitled to the gratuitous services of any one or more of the faculty residing near them, whose assistance may be desired. A physician afflicted with disease is usually an incompetent judge of his own case; and the natural anxiety and solicitude which he experiences at the sickness of a wife, a child, or any one who by the ties of consanguinity is rendered peculiarly dear to him, tend to obscure his judgment, and produce timidity and irresolution in his practice. Under such circumstances, medical men are peculiarly dependent upon each other, and kind offices and professional aid should always be cheerfully and gratuitously afforded. Visits ought not, however, to be obtruded officiously; as such unasked civility may give rise to embarrassment, or interfere with that choice, on which confidence depends. But, if a distant member of the faculty, whose circumstances are affluent, request attendance, and an honorarium be offered, it should not be declined; for no pecuniary obligation ought to be imposed, which the party receiving it would wish not to incur.

ART. III.—*Of the duties of physicians as respects vicarious offices.*

§ 1. The affairs of life, the pursuit of health, and the various accidents and contingencies to which a medical man is peculiarly exposed, sometimes require him temporarily to withdraw from his duties to his patients, and to request some of his professional brethren to officiate for him. Compliance with this request is an act of courtesy, which should always be performed with the utmost consideration for the interest and character of the family physician, and when exercised for a short period, all the pecuniary obligations for such service should be awarded to him. But if a member of the profession neglect his business in quest of pleasure and amusement, he cannot be considered as entitled to the advantages of the frequent and long-continued exercise of this fraternal courtesy, without awarding to the physician who officiates the fees arising from the discharge of his professional duties.

In obstetrical and important surgical cases, which give rise to unusual fatigue, anxiety and responsibility, it is just that the

fees accruing therefrom should be awarded to the physician who officiates.

ART. IV.—*Of the duties of physicians in regard to Consultations.*

§ 1. A regular medical education furnishes the only presumptive evidence of professional abilities and acquirements, and ought to be the only acknowledged right of an individual to the exercise and honours of his profession. Nevertheless, as in consultations the good of the patient is the sole object in view, and this is often dependent on personal confidence, no intelligent regular practitioner, who has a license to practice from some medical board of known and acknowledged respectability, recognized by this association, and who is in good moral and professional standing in the place in which he resides, should be fastidiously excluded from fellowship, or his aid refused in consultation when it is requested by the patient. But no one can be considered as a regular practitioner, or a fit associate in consultation, whose practice is based on an exclusive dogma, to the rejection of the accumulated experience of the profession, and of the aids actually furnished by anatomy, physiology, pathology, and organic chemistry.

§ 2. In consultations no rivalship or jealousy should be indulged; candour, probity, and all due respect should be exercised towards the physician having charge of the case.

§ 3. In consultations the attending physician should be the first to propose the necessary questions to the sick; after which the consulting physician should have the opportunity to make such farther inquiries of the patient as may be necessary to satisfy him of the true character of the case. Both physicians should then retire to a private place for deliberation; and the one first in attendance should communicate the directions agreed upon to the patient or his friends, as well as any opinions which it may be thought proper to express. But no statement or discussion of it should take place before the patient or his friends, except in the presence of all the faculty attending, and by their common consent; and no *opinions* or *prognostications* should be delivered, which are not the result of previous deliberation and concurrence.

§ 4. In consultations, the physician in attendance should deliver his opinion first; and when there are several consulting, they should deliver their opinions in the order in which they have been called in. No decision, however, should restrain the attending physician from making such variations in the mode of treatment, as any subsequent unexpected change in the character of the case may demand. But such variation and the reasons for it ought to be carefully detailed at the next meeting in con-

sultation. The same privilege belongs also to the consulting physician if he is sent for in an emergency, when the regular attendant is out of the way, and similar explanations must be made by him, at the next consultation.

§ 5. The utmost punctuality should be observed in the visits of physicians when they are to hold consultation together, and this is generally practicable, for society has been considerate enough to allow the plea of a professional engagement to take precedence of all others, and to be an ample reason for the relinquishment of any present occupation. But as professional engagements may sometimes interfere, and delay one of the parties, the physician who first arrives should wait for his associate a reasonable period, after which the consultation should be considered as postponed to a new appointment. If it be the attending physician who is present, he will of course see the patient and prescribe; but if it be the consulting one, he should retire, except in case of emergency, or when he has been called from a considerable distance, in which latter case he may examine the patient, and give his opinion in *writing* and *under seal*, to be delivered to his associate.

§ 6. In consultations, theoretical discussions should be avoided, as occasioning perplexity and loss of time. For there may be much diversity of opinion concerning speculative points, with perfect agreement in those modes of practice which are founded, not on hypothesis, but on experience and observation.

§ 7. All discussions in consultation should be held as secret and confidential. Neither by words nor manner should any of the parties to a consultation assert or insinuate, that any part of the treatment pursued did not receive his assent. The responsibility must be equally divided between the medical attendants; they must equally share the credit of success as well as the blame of failure.

§ 8. Should an irreconcilable diversity of opinion occur when several physicians are called upon to consult together, the opinion of the majority should be considered as decisive; but if the numbers be equal on each side, then the decision should rest with the attending physician. It may, moreover, sometimes happen, that two physicians cannot agree in their views of the nature of a case, and the treatment to be pursued. This is a circumstance much to be deplored, and should always be avoided, if possible, by mutual concessions, as far as they can be justified by a conscientious regard for the dictates of judgment. But in the event of its occurrence, a third physician should, if practicable, be called to act as umpire, and if circumstances prevent the adoption of this course, it must be left to the patient to select the physician in whom he is most willing to confide. But as every physician relies upon the rectitude of his judgment, he

should, when left in the minority, politely and consistenly retire from any further deliberation in the consultation, or participation in the management of the case.

§ 9. As circumstances sometimes occur to render a *special consultation* desirable, when the continued attendance of two physicians might be objectionable to the patient, the member of the faculty whose assistance is required in such cases, should sedulously guard against all future unsolicited attendance. As such consultations require an extraordinary portion both of time and attention, at least a double honorarium may be reasonably expected.

§ 10. A physician who is called upon to consult, should observe the most honorable and scrupulous regard for the character and standing of the practitioner in attendance: the practice of the latter, if necessary, should be justified as far as it can be, consistently with a conscientious regard for truth, and no hint or insinuation should be thrown out, which could impair the confidence reposed in him, or affect his reputation. The consulting physician should also carefully refrain from any of those extraordinary attentions or assiduities, which are too often practiced by the dishonest for the base purpose of gaining applause, or ingratiating themselves into the favour of families and individuals.

ART. V.—*Duties of physicians in cases of interference.*

§ 1. Medicine is a liberal profession, and those admitted into its ranks should found their expectations of practice upon the extent of their qualifications, not on intrigue or artifice.

§ 2. A physician, in his intercourse with a patient under the care of another practitioner, should observe the strictest caution and reserve. No meddling inquiries should be made; no disingenuous hints given relative to the nature and treatment of his disorder; nor any course of conduct pursued that may directly or indirectly tend to diminish the trust reposed in the physician employed.

§ 3. The same circumspection and reserve should be observed, when, from motives of business or friendship, a physician is prompted to visit an individual who is under the direction of another practitioner. Indeed, such visits should be avoided, except under peculiar circumstances, and when they are made, no particular inquiries should be instituted relative to the nature of the disease, or the remedies employed, but the topics of conversation should be as foreign to the case as circumstances will admit.

§ 4. A physician ought not to take charge of, or prescribe for a patient who has recently been under the care of another mem-

ber of the faculty in the same illness, except in cases of sudden emergency, or in consultation with the physician previously in attendance, or when the latter has relinquished the case or been regularly notified that his services are no longer desired. Under such circumstances no unjust and illiberal insinuations should be thrown out in relation to the conduct or practice previously pursued, which should be justified as far as candour, and regard for truth and probity will permit; for it often happens, that patients become dissatisfied when they do not experience immediate relief, and, as many diseases are naturally protracted, the want of success, in the first stage of treatment, affords no evidence of a lack of professional knowledge and skill.

§ 5. When a physician is called to an urgent case, because the family attendant is not at hand, he ought, unless his assistance in consultation be desired, to resign the care of the patient to the latter immediately on his arrival.

§ 6. It often happens, in cases of sudden illness, or of recent accidents and injuries, owing to the alarm and anxiety of friends, that a number of physicians are simultaneously sent for. Under these circumstances courtesy should assign the patient to the first who arrives, who should select from those present, any additional assistance that he may deem necessary. In all such cases, however, the practitioner who officiates, should request the family physician, if there be one, to be called, and, unless his further attendance be requested, should resign the case to the latter on his arrival.

§ 7. When a physician is called to the patient of another practitioner, in consequence of the sickness or absence of the latter, he ought, on the return or recovery of the regular attendant, and with the consent of the patient, to surrender the case.

§ 8. A physician, when visiting a sick person in the country, may be desired to see a neighbouring patient who is under the regular direction of another physician, in consequence of some sudden change or aggravation of symptoms. The conduct to be pursued on such an occasion is to give advice adapted to present circumstances; to interfere no farther than is absolutely necessary with the general plan of treatment; to assume no future direction, unless it be expressly desired; and, in this last case, to request an immediate consultation with the practitioner previously employed.

§ 9. A wealthy physician should not give advice *gratis* to the affluent; because his doing so is an injury to his professional brethren. The office of a physician can never be supported as an exclusively beneficent one; and it is defrauding, in some degree, the common funds for its support, when fees are dispensed with, which might justly be claimed.

§ 10. When a physician who has been engaged to attend a



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case of midwifery is absent, and another is sent for, if delivery is accomplished during the attendance of the latter, he is entitled to the fee, but should resign the patient to the practitioner first engaged.

ART. VI.—*Of differences between Physicians.*

§ 1. Diversity of opinion, and opposition of interest, may, in the medical, as in other professions, sometimes occasion controversy and even contention. Whenever such cases unfortunately occur, and cannot be immediately terminated, they should be referred to the arbitration of a sufficient number of physicians, or a *court-medical.*

As peculiar reserve must be maintained by physicians towards the public, in regard to professional matters, and as there exist numerous points in medical ethics and etiquette through which the feelings of medical men may be painfully assailed in their intercourse with each other, and which cannot be understood or appreciated by general society, neither the subject matter of such differences nor the adjudication of the arbitrators should be made public, as publicity in a case of this nature may be personally injurious to the individuals concerned, and can hardly fail to bring discredit on the faculty.

ART. VII.—*Of Pecuniary Acknowledgments.*

§ 1. Some general rules should be adopted by the faculty, in every town or district, relative to *pecuniary acknowledgments* from their patients; and it should be deemed a point of honour to adhere to these rules with as much uniformity as varying circumstances will admit.

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## CHAPTER III.

### OF THE DUTIES OF THE PROFESSION TO THE PUBLIC, AND OF THE OBLIGATIONS OF THE PUBLIC TO THE PROFESSION.

ART. I.—*Duties of the profession to the public.*

§ 1. As good citizens, it is the duty of physicians to be ever vigilant for the welfare of the community, and to bear their part in sustaining its institutions and burdens: they should also be ever ready to give counsel to the public in relation to matters especially appertaining to their profession, as on subjects of medical police, public hygiéne, and legal medicine. It is their pro-

vince to enlighten the public in regard to quarantine regulations; the location, arrangement, and dietaries of hospitals, asylums, schools, prisons, and similar institutions,—in relation to the medical police of towns, as drainage, ventilation, &c.—and in regard to measures for the prevention of epidemic and contagious diseases; and when pestilence prevails, it is their duty to face the danger, and to continue their labours for the alleviation of the suffering, even at the jeopardy of their own lives.

§ 2. Medical men should also be always ready, when called on by the legally constituted authorities, to enlighten coroner's inquests and courts of justice, on subjects strictly medical,—such as involve questions relating to sanity, legitimacy, murder by poisons or other violent means, and in regard to the various other subjects embraced in the science of Medical Jurisprudence. But in these cases, and especially where they are required to make a post-mortem examination, it is just, in consequence of the time, labour and skill required, and the responsibility and risk they incur, that the public should award them a proper honorarium.

§ 3. There is no profession, by the members of which, eleemosynary services are more liberally dispensed, than the medical, but justice requires that some limits should be placed to the performance of such good offices. Poverty, professional brotherhood, and certain public duties referred to in section 1 of this chapter, should always be recognized as presenting valid claims for gratuitous services; but neither institutions endowed by the public or by rich individuals, societies for mutual benefit, for the insurance of lives or for analogous purposes, nor any profession or occupation, can be admitted to possess such privilege. Nor can it be justly expected of physicians to furnish certificates of inability to serve on juries, to perform militia duty, or to testify to the state of health of persons wishing to insure their lives, obtain pensions, or the like, without a pecuniary acknowledgment. But to individuals in indigent circumstances, such professional services should always be cheerfully and freely accorded.

§ 4. It is the duty of physicians, who are frequent witnesses of the enormities committed by quackery, and the injury to health and even destruction of life caused by the use of quack medicines, to enlighten the public on these subjects, to expose the injuries sustained by the unwary from the devices and pretensions of artful empirics and impostors. Physicians ought to use all the influence which they may possess, as professors in Colleges of Pharmacy, and by exercising their option in regard to the shops to which their prescriptions shall be sent, to discourage druggists and apothecaries from vending quack or secret medicines, or from being in any way engaged in their manufacture and sale.

ART. II.—*Obligations of the public to physicians.*

§ 1. The benefits accruing to the public directly and indirectly from the active and unwearied beneficence of the profession, are so numerous and important, that physicians are justly entitled to the utmost consideration and respect from the community. The public ought likewise to entertain a just appreciation of medical qualifications;—to make a proper discrimination between true science and the assumptions of ignorance and empiricism,—to afford every encouragement and facility for the acquisition of medical education,—and no longer to allow the statute books to exhibit the anomaly of exacting knowledge from physicians, under liability to heavy penalties, and of making them obnoxious to punishment for resorting to the only means of obtaining it.

# B.

# REPORT

OF THE

# COMMITTEE ON PRELIMINARY EDUCATION.

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"*Resolved*, That it is both desirable and necessary that all young men who may hereafter apply to be received as Students of Medicine should have obtained a proper and suitable preparatory education, and that a Committee of Five be appointed to report on the standard of requirements proper to be exacted from such applicants."

In conformity with the above resolution, the Committee who have been charged with the consideration of this matter respectfully report:

That in reference to the subject of the preparatory education of those who may hereafter desire to enter themselves as *Students of Medicine*, your Committee confess that they approach the performance of their duty with some misgiving; not, however, as to the necessity of reform in this matter, but with regard to the extent to which such reform should be advised.

In all civilized communities, the entire subject of education is, or ought to be, as a general rule, subservient to the regulations or expressed opinions of such community, and especially to that collection of habits, customs and judgments which is ordinarily received and recognized as the "Law of Opinion." All education must therefore be in accordance with such opinion, for if it be not, then must the one yield to the other, so that harmony may result, in place of the discord which must ensue under the opposite circumstances.

Education, then, should be in harmony with, and in subjection to, the actual social, as well as political condition of the society in which it exists. It must constitute a part of it, and should not be opposed to it. To effect this result the general

interest of such community or society must be considered, and this interest is believed to be best advanced by requiring all persons who desire to enter upon the necessary noviciate of any profession, art or trade, to exhibit satisfactory testimonials of a proper preparatory education. And this requisition is made, to a certain extent, with regard to most, if not all, of the other "professions, arts or trades." Thus, to enable one to approach within reach of the hallowed rays of the "Shekinah," a certain course of preliminary study is actually enjoined, and no man can attempt to dispense the bread of life, without having first served in the outer temple. The entrance into the "Holiest of Holies" is thus properly guarded with scrupulous and anxious care.

The Law also requires its preliminaries, except perhaps in those communities, in which the leveling spirit of democracy has run wild. Nor is there "art or trade," where some preparation is not demanded from those who desire to become its votaries, with the solitary exception of our own glorious, though much abused profession. And as the profession of medicine ranks only below that, whose province it is to save men from "the second death," its claims for protection and elevation are strong and imperative; for in commencing what branch of study, is this preparatory education more imperiously demanded, than in that, the votaries of which may almost be said to hold in their hands the issues of life and death? Yet, is there no profession, no occupation, the entrance into the sanctuary of which, is more carelessly guarded. Ignorance and empiricism, always intolerant of restriction, boldly force their way into the inmost recesses of our temple, seize upon the highest privileges which only the faithful should enjoy, and offer their sacrifices upon the altars reared to science, thrusting aside those whose learning and merit should alone entitle them to minister there.

A notice of the requirements of the institutions of other countries, though of some interest, would only exhibit exactions much higher, than those which your Committee are disposed to lay before you for your approval. Every improvement in knowledge, must necessarily depend upon the degree of information already attained, and as the preliminary education has been extensive and well founded, so will the facility be increased for further advancement. It should be remembered also, that we are not considering a simple art, a collection of maxims, with remedies attached, which has become a matter of tradition among us, requiring but a small amount of intelligence to comprehend and practice; but it is an actual system of philosophy, mysterious to some it is true, but readily understood by those, who are willing to labor for knowledge; a science, the proper cultivation of which, is attended with no little difficulty, and the practical exercise of which, involves a high and no common responsibility.

Your Committee only fear that in their desire to meet the necessary requisitions of reform, the changes which the improvement of every community now imperatively demands, they may be regarded by some, as having erected too exalted a standard. They, however, believe not; being firmly persuaded, that to those who fail in reaching this common level, the profession to which they arrogantly aspire, should be a sealed book, the fruit which they would grasp, should be forbidden fruit, which indeed they may behold, but stretch forth no sacrilegous hand to pluck.

In offering them anything like a common standard, your Committee are aware of the difficulties in the way of its adoption, yet feel that confidence in the steadfast and onward progress of public opinion, and in the loyal honesty of their brother practitioners, that they are willing to confide to their keeping, the advancement of this much needed measure.

Actuated by such feelings and relying strongly upon the hearty co-operation of their professional brethren throughout the State, both private practitioners and public professors, your Committee, anxious for the establishment of an uniform code of requisitions, desire, respectfully to direct your attention to the standard of preliminary education for Medical Students, which was unanimously recommended by the National Medical Convention.

In urging the adoption of this standard, your Committee are sensibly alive to the fact, that it is not all that could be desired; yet they believe that, as an initiatory step, it embodies all that can reasonably be expected. At the same time, they indulge the hope, that this is but the commencement of a new era in our professional existence, and that the necessity of increased action and untiring exertion, will be more fully appreciated from day to day, and that the branch which is but now budding into existence, will ere long exhibit strength and vigor and bring forth wholesome and valuable fruit.

In accordance, therefore, with these views, your Committee offer for your consideration the following resolutions, which are but slightly changed from those adopted by the National Medical Convention.

1st. *Resolved*, That this Convention earnestly recommends to the members of the Medical profession throughout the State of South-Carolina, to satisfy themselves either by personal enquiry or written certificate from competent persons, that all young men who may hereafter apply for admission into their offices as Students, shall be of good moral character, and shall have acquired a *good English education*, a knowledge of natural philosophy and the elementary mathematical sciences, and such an acquaintance at least, with the Latin and Greek

languages, as will enable them to appreciate the technical language of medicine, and read and write prescriptions.

2d. *Resolved*, That, this Convention also recommends to the members of the Medical profession of the State of South-Carolina, when they shall have satisfied themselves, that a young man possesses the qualifications specified in the preceding resolution, to give him a written certificate, stating that fact, and recording also the date of his admission as a Medical Student, to be carried with him as a warrant for his reception into the Medical College, in which he may intend to pursue his studies.

3d. *Resolved*, That the Medical College of the State of South-Carolina be, and it is respectfully recommended and requested to give its aid and assistance in establishing the above requisitions, by demanding such a certificate from every student of Medicine, who may hereafter apply for matriculation; and when publishing its annual list of graduates, to accompany the name of the graduate, with the name and residence of his preceptor, the name of the latter being clearly and distinctly presented as certifying to the necessary and required preliminary education.

JAS. P. JERVEY, M.D.
THOS. J. MABRY, M.D.
WM. K. SIMS, M.D.
W. M. SHULER, M.D.
J. E. EASTERLING, M.D.
} Committee.

# C.

## REPORT OF THE COMMITTEE ON DRUGGISTS.

The Committee appointed for the purpose of devising "a mode of discouraging Druggists who are in the habit of vending nostrums" report

That they enter upon the duty assigned them with some misgivings. They feel that their action can be only suggestive. It is vain, they fear, at this time, to hope for any assistance from legislative enactment. Of late years, all legislation on these subjects has been radical, and tending to destroy the wholesome restrictions which our ancestors (with less light, as we of the present day are apt to think, but certainly with more prudence,) had placed on the trade in these articles—articles, many of which are dangerous, either in their simple or compounded forms, and for the preparation of which skill and intelligence are necessary, as well as a certain degree of practical experience. This experience can only be acquired by education, and education requires that both time and attention should be dedicated to its acquisition, or, in other words, that an apprenticeship should be served in this as in other employments requiring skill, intelligence and practice; yet we cannot refrain from offering suggestions. Our courts indemnify those who have been swindled in contracts; but if an ignorant druggist, or his still more ignorant clerk, sells an unwholesome or poisonous drug, or manufactures a compound, which, either in its ingredients, or by virtue of the chemical actions resulting from the combination, is poisonous—or recommends to a customer who comes into his store asking for something suitable for a complaint which he has, or fancies that he has, some nostrum in vogue, which may be wholly unfit for the person's constitution or disease—or if, through his thorough want of acquaintance with the appearances of medicines, he sells one substance for another, thereby endangering, and often even compromising the life of the individual—if, when called upon to sell a dose of any medicine, he gives more than sufficient, and fatal consequences result—if, going a step further, he fits a truss upon a hydrocele and aggravates the disease, or, for a bubo, thrust a lancet into a bubonocele, and literally murders the person, the law offers no redress. For our legislators, in their wisdom, have determined that these responsible duties may be undertaken by any body

who pleases to set up a drug store, and that the community must judge for itself whether the individual is competent—that is, individuals who are themselves utterly incompetent, must decide upon the qualifications of these pretenders. The only means the community can possibly have of judging, is experience in each case, and this experience they can only obtain at the risk of their lives.

Let us compare the case of the druggist with that of the regularly diplomated physician, and we will find that the latter, after all the time and labor he has been compelled to bestow upon the acquisition of his license to practice, is still held to a stricter accountability by the law than the former. If he inflicts injury upon his patient by mal-practice, he is made responsible. The instances might easily be adduced in which the unsuccessful treatment of cases, especially surgical cases, where the want of success was fairly attributable to ignorance, has brought upon the surgeon the heavy penalties of the law. And other cases might be culled from the records of the courts, where the surgeon, in unsuccessful cases, has found it difficult to exculpate himself, even though sustained in his treatment by the very highest authority.

We are told by our law-makers, when we call upon them to throw some wholesome restrictions around the exercise of this responsible occupation, that it is an abridgement of the freedom of the citizen. We acknowledge the force of the argument, provided it is taken for no more than it is worth. But we cannot allow it more force than it deserves. Some restrictions must necessarily be placed upon the freedom of an individual who associates himself with others in a community. In this very matter of traffic, large restrictions are placed, and necessarily so. Not to lengthen out the argument tediously, let us instance the sale of spirits. The restrictions placed upon the sale of these, and the reasons for thus restraining it, are too familiar to need any further allusion to them. Nor need we go further in citing analogies. The point we make is plain enough, that there is nothing incompatible with the spirit of freedom in trade, that dealers should be placed under restrictive laws, when these regulations are made in the general interest of the community.

It is an established principle in our profession, that those who practice its responsible duties, in the true and honorable spirit of philanthropy, should have no secrets in their dealings with disease. They feel the responsibility of the post they hold, and know that their profession is not to be exercised simply as a means of gaining money, but as the chief source from which is to flow relief for many of the worst evils of life. They, therefore, shrink from concealment in their use of medicines, and

freely give to the world all the information they may obtain, either by their own experience or by their reading. Hence their warfare against quackery and all its nostrums. Hence their earnest desire to see some measure taken by the legislature to suppress the sale of all articles, under whatsoever form they may be offered to the public, whose ingredients are not fully known.

Though loth to pursue this argument further, confident that the simple enunciation must be sufficient to carry conviction with it to all unprejudiced minds, the committee feels that it is due to the fair and candid statement of the case to refer, in as few words as possible, to the irresistible, the unanswerable force it acquires from one simple consideration—which is this: that the ordinary school education which fits youths for entering upon the immediate discharge of all the functions of almost every other kind of business, can in no wise fit them for this. Superadded to the very best standard school education, there must be something more—a special education is indispensable, and that a youth may be capable of acquiring this special education, the primary education of the schools is necessary as a first step.

Here, then, we dismiss this argument, confident that its intrinsic merit dispenses us from the necessity of elaborating it further. And we proceed to say a few words more upon the responsibilities this class of persons often assume in carrying on their business. This they do by carrying on, to a considerable extent, the practice of medicine and surgery, as alluded to above. Any one may convince himself of this by remaining for a short time at the counter of one of our apothecaries, where he will soon see customers coming in and asking for medicines for certain complaints, which they will specify. And it has doubtless occurred to all who practice medicine, to have patients calling upon them with old, long-standing diseases, which have been treated by apothecaries or their clerks, till, disgusted or alarmed, the individuals have been compelled to resort at last to those to whom they should have applied at first.

It seems to the committee, however, to be useless further to extend their remarks on this subject, as it is sufficiently evident to the whole profession that these nuisances exist to an extent very far beyond even what has been said, and that they are not to be remedied by the measures which we ought of right to expect from the competent authorities. For though we make our call in behalf of the safety and the best interests of the whole community, our call falls upon ears that will not hear.

The committee, then, feels that it must fall back upon the profession and urge it on to the task of doing all that may be done. It may not, however, be without interest, though it prove,

like other arguments, to be of no effect, to give, in this place, a few details with regard to the action of other countries on this subject. If our legislators will continue deaf to the voice of reason and of safety, as well as to the claims of even-handed justice, which calls for equal restrictions as well as for equal privileges, let us not fail in our duty of laying the matter plainly before them. Nor need we, on this account, deny ourselves the gratification of placing our position in its true light before the community.

In Prussia, when a young man is desirous of entering himself as an apprentice with an apothecary, he must stand a preparatory examination before a board regularly appointed by the government for the purpose, in reading, writing, arithmetic, geography, history and Latin. In these he must have attained such proficiency as is common with those who leave the primary schools; he must bring certificates of good conduct, have attained the age of fourteen years, and have been confirmed. These requirements having been complied with, he obtains a certificate of fitness to enter as an apprentice, and is bound for a term of not less than three years; the apothecary to receive a yearly sum of about one hundred dollars, and in return to instruct him fully in every thing relating to the business of a finished apothecary, including the manufacture of chemicals. Should the apprentice be unable to pay the full price for his yearly instruction, the time of his apprenticeship is lengthened, so that if he pay nothing he must serve five years.

Once a year, or as many times as they may choose to do so, an examination is made by a government commission, consisting of physicians, pharmacians and other competent persons, of the apprentices and clerks of each apothecary store, and at the same time the store itself is inspected. All the contents are thoroughly examined, and if any thing old or otherwise worthless, be found, it is seized; and should there appear to be any want of attention on the part of the apothecary, to any of the strict laws by which these establishments are governed, he may be punished by reprimand, fine, or even forfeiture of his privilege of keeping a drug store.

If the apprentice be found deficient, the Commissioner ascertains to whom the fault is chargeable; if to the apprentice, he is reprimanded at first, and if he prove incorrigible, he may be dismissed his place. If the employer is in fault, the reprimand falls upon him, and if he still neglects to impart the requisite instruction, he is fined, or the apprentice released from his indentures.

The term of apprenticeship over, the youth is again examined, and if approved, gets a clerk's certificate, which will avail him in any part of Germany where he may please to seek employ-

ment, either as a *Receptarius*, (a clerk for making up prescrip tions,) or a *Defectarius* (clerk for manufacturing and preparing chemicals.)

An Apothecary who receives apprentices, is bound by law to manufacture all his chemicals himself, in order that he may instruct the apprentice.

The youth must now pass two years as a clerk, during which time he is required to undergo the same examinations from the visiting committee as during his apprenticeship, at the time when the general inspection of every thing is made.

The clerkship ended, he must now attend two years on the lectures and instructions of the College of Pharmacy, where a certificate is required of his having regularly complied with all the requisites above stated, and conducted himself well.

At the termination of his college Course, he undergoes his final examination, and receives a Diploma from the University as Apothecary. If he fails to pass this examination, he is rejected, and must apply again.

With regard to the establishment, and the regulations for conducting an Apothecary's Store, a few details may not prove uninteresting. Only a certain number are licensed by Government; so that in buying out an established house, the license is considered as an item in the price, and sometimes sells as high (we have been informed,) as eight or ten thousand dollars. Should the widow of a deceased Apothecary desire to carry on the business, she must place at the head of of the establishment a *Proviso*, who must be a regularly graduated Apothecary.

At these establishments all drugs and medicines are put up and sold, from the symplest to the most compounded. Physicians are not allowed to make up their own recipes, but must write them out and give them to the patient with his name signed, who sends the paper to any Apothecary he pleases, a precaution intended to prevent favoritism on the part of the Physicians towards certain Apothecaries. If the Apothecary thinks he detects an error in the quantity of any of the ingredients specified in the recipe, he is bound to return the paper to the person bringing it, with a mark at the suspected mistake, to be shown to the Physician; if the Physican really intended the recipe to be made up as written, he returns it with his name re-signed, when the Apothecary must make it up. If fatal consequences result from the administration of a dose of medicine, the Physician or Apothecary is held answerable according as the specified formalities have been complied with or neglected. Hence the Apothecary must keep a regular file of all the recipes he prepares, which are open to the inspection of the examining committee at the annual visits. If a mistake is made by himself or his clerk, it is chargeable upon the individual who may be culpable, and he is made to answer for his neglect.

The most stringent rules exist with regard to the sale of drugs as are poisonous. They can only obtain it upon the signed order of a Physician: or if wanted for the destruction of vermin, or for other domestic purposes, they may be had on the order of the Minister or Magistrate of the neighborhood, to whom the individual obtaining such order must be personally known. In this case the drug is prepared by the Apothecary for use, and sold to the applicant in that form.

For the accuracy of the information we have here laid before the Convention, we have the testimony of one of the most intelligent, respectable, and well informed Apothecaries in this city, whose justly merited standing with the Physicians of Charleston is due to his having served his apprenticeship in the schools of Germany. It will be seen, that in the working of the whole system there is mutual restriction. The Physician must send his prescriptions, fairly written out and signed, to the Apothecary, who has the right, which he is even compelled to exercise, of examining and correcting them. The community is restrained; for a Physician's order is indispensible for the purchase of any medical article, no matter how simple. Indeed the careful supervision of government is carried so far, that for poisonous articles there is a maximum dose prescribed by law, in Prussia, (as we have lately seen it stated in the journals.) And if a Physician wishes to go beyond this quantity, he must specify this distinctly in writing. The object of restraining the freedom of the community in its dealings in these articles is manifestly to ensure it against fraud and ignorance; and there has no other means yet been devised of obtaining such effects, but the system of strict governmental supervision, which we have been hastily sketching.

Dr. Granville, in his "Journal of Travels to and from St. Petersburg," states, that by the laws of that country, "no medical man, let his rank be what it may, can settle and practice in that city, without having undergone a proper examination, and a list of all persons authorized to practice is printed yearly. A. Pharmacian, or "Aptékare," dares not make up a prescription of any practitioner, whose name does not appear in the printed list, and still less can he venture to sell a drug, in however small a quantity, or however insignificant its nature, without a prescription regularly signed. Every prescription must be signed with the name of the Physician whose advice has been taken, and also mention the patient for whom it is written, with the day of the month and year. To the medicine, a label is affixed, mentioning the date and hour of delivery, its price, and the name of the "Aptékare" and his shop; and even the most simple medicine must be sealed. The laws against professed quacks are generally put in force with great strictness. The surveillance

of the medical profession, and of its rights and privileges, is confined in a particular manner to the Minister of the Home Department, who is assisted by a council of medical men, one of the attributes of which council is, to inquire into the rights to practice claimed by individuals, and to report to the Minister any infraction of the established laws respecting the regulation of the Ukase of the late Emperor, who wished to encourage the higher branches of education in medicine.—See American Journal, vol. 14, p. 254.

In France, there are laws enacted for the same purpose, and there, as in Germany, similar means are employed to effect the same object. We will not stop to trace the minutiæ of the French regulations, as they do not vary sufficiently from those we have been citing, to render this necessary. We will only remark, that in as much as they are less stringent than those of Germany, just in so much are they less efficient; and the destruction of human life by the ignorant or premeditated use of poisons, is greater by just about so much as the laws against the indiscriminate trade in them, is less restricted.

Passing thus rapidly over the review of the French regulations on this subject, the committee will pause only a few minutes to see what has been done in England—free England.

In Jacob's "Law Dictionary," at the word "Apothecaries," (vol. 1, p. 79) we read: "Their medicines are to be searched and examined by the Physicians chosen by the College of Physicians, and if faulty, shall be burnt," &c. 32 Henry 8th, c. 40; 1 Mary, st. 2, c. 9. See also statutes 10 Ann, c. 14; 10 George 1st, c. 20. "And Apothecaries to the army shall make up their chests at Apothecaries' Hall, there to be opened, viewed, &c., under the penalty of £40."

Under the word "Physicians," in vol. 5, p. 147, of the same work, we read as follows: "The statute 32 Henry 8th, c. 40, ordains that four Physicians (called Censors) shall be yearly chosen by the College, to search Apothecaries' wares, and have an oath given them for that purpose by the President. Apothecaries denying them entrance into their houses, &c., incur a forfeiture of £5, and Physicians refusing to make the search, are liable to a penalty of 40s.

Again: "It hath been solemnly resolved, that *mala praxis* in a Physician, Surgeon or Apothecary, is a great misdemeanor and offence at common law, whether it be for curiosity or experiment, or by neglect, because it breaks the trust which the party had placed in his physician, and tends to the patient's destruction."—Lord Raymond, 214.

Again: "If an Apothecary takes upon him to administer physic, without advice of a Doctor, this has been adjuged practising physic without the Statutes: though no fee was given the Apo-

thecary; 2 Salk, 451. But this judgment was afterwards reversed in the House of Lords."—Mod. Cas. 44.

In Harrison's Digest, vol. 2d, p. 1590, on the subject of Apothecaries, we read: "Examinations—By the 55th Geo. 3d, c. 194, many important regulations are made relative to education, examination, admission and practice of Apothecaries." "By s. 21, no Apothecary shall be allowed to recover any charges claimed by him in any court of law, unless such Apothecary shall prove on trial that he" "has obtained a certificate to practice as an Apothecary, from the Master, Wardens, and Society of Apothecaries." By s. 20, the penalty affixed is £20; and "if any one shall act as an assistant to any Apothecary to compound and dispense medicines, without having obtained such a certificate, he shall forfeit £5 for every offence." "An unqualified person dispensing medicine of his own advice, is within the penalties of the Apothecaries Act." "A Diploma of M.D. from the University of St. Andrew, in Scotland, is no defence to an action for penalties under the 55 Geo. 3, c. 194, s. 20, for practising as an Apothecary without having obtained a certificate from the Apothecaries' Company; and. semble, that a similar Diploma from an English University would not be so." "In an action of debt on the statute, for a penalty of practising as an Apothecary, without having obtained a certificate from the Apothecaries' Company under that act, it is not necessary, on the part of the plaintiffs, to prove that the party has not obtained his certificate, the onus being laid on him to show that he has. It must, however, be averred in the declaration that he has not." "In an action for an Apothecaries' bill, it is necessary, since the stat. 6 Geo. 4, c. 1, s. 3, to prove that the seal affixed to a certificate to practice as an Apothecary, is the common seal of the Apothecaries' Company."

In sections of the Act of 55, Geo. 3, preceding those cited above, the preliminaries for obtaining the Apothecaries' certificate are rehearsed, and the privileges it grants. We cannot go further into the subject, however, at this time. It is enough for our purpose to show that the laws of England have taken the regulation of this matter in hand as something not only not unworthy of attention, but calling for stringent and clearly defined rules. If we had not already gone further than was, perhaps, within our duties, we might cite what has been done of late years in England, since the general subject of medical reform has been mooted; but every thing on this subject is of easy access in the Journals of the day, where all has been published. To the profession it must, therefore, be familiar enough. And we repeat, as above, that we are only writing for the profession. We scarcely hope to be able to convince our law makers of the justice of our position. In former years our statute books exhi-

bited traces of a similiar feeling on the part of our Legislators to that which dictated the wholesome laws we have been citing; but now they are no longer to be found. Good or bad, they have been condemned and destroyed. Shall others, better framed, be substituted in their places? We may ask for them, but we cannot do more.

In accordance then with that view of the subject, which the Committee feels it must of necessity take, viz: that all that is to be done at present, must be done by the profession,—the following resolutions are respectfully submitted to the Convention, for its consideration and adoption.

1st. *Resolved*, That in our transactions with Apothecaries, we will deal exclusively with those who abstain from recommending and vending quack or patented medicines, whenever we have the option.

2d. *Resolved*, That in writing prescriptions for our patients, or in directing them where to obtain any articles connected with the treatment of their disease, of which they may stand in need, we will always recommend them to those Apothecaries alluded to in the first resolution: and further, that we will use our influence with our patients and all our unprofessional friends, in inducing them to deal at such drug stores.

3d. *Resolved*, That each member of the Convention pledges himself to report to the South-Carolina Medical Association, or to one of the branches contemplated to be formed by this Convention, at a regular meeting, all cases coming under his own observation, or reported to him on credible authority, of mistakes committed, or injury inflicted through the ignorance or carelessness of Apothecaries or their clerks: and that these facts be made use of by the Society in any way it may think best calculated to act on the community towards the end we have in view.

4th. *Resolved*, That the following letter, or one to the same effect, be addressed by the State Medical Society to every keeper of an Apothecaries' Store, or other establishment, for the sale of any kind of medicine in the city of Charleston, and, as far as it can be effected, to every such person in the State, viz:

"Sir:—The South-Carolina Medical Association is deeply impressed with the importance of the move made by the National Medical Convention held in Philadelphia, in May, 1847, for the purpose of discouraging the pernicious traffic in patented medicines. The Society does not think it necessary to state the reasons which induce them to approve of the recommendations there made, believing that these are so well understood as not to require either enumeration or comment. It will be enough for the Society, in accomplishment of its design, to request your cooperation; and to state at the same time, that its members, indi-

vidually and collectively, are resolved to do all they can, legally, to effect the object."

And that the letter be signed by the President, and one or both of the Secretaries of the Society.

5th. *Resolved,* That the Convention embodies, in its petition to the Legislature upon matters now before it, or about to be brought forward, a request to enact a law prohibiting the sale of any medicine, upon the label of which, the ingredients it contains, are not fully and accurately stated.

All of which is respectfully submitted,

W. T. WRAGG, M.D.
J. A. GIBERT, M.D.
W. C. CAUTHEN, M.D. } *Committee.*
W. J. McKAIN, M.D.
W. E. ADAMS. M.D.

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The Committee on Druggists, to whom was referred the Circular of the College of Pharmacy, of New-York, beg leave respectfully to offer the following

## MEMORIAL.

*To the Honorable Senate and House of Representatives of the United States of America:*

The Memorial of the South-Carolina Medical Association respectfully sets forth—

That the fraud and cupidity of certain manufacturers abroad, aided by the connivance of certain importers in this country, have prompted them to erect a system of deception against the Revenue Laws, by which serious losses are sustained in the collection of the Customs; through the depreciated rate at which they are enabled to introduce and disseminate their products in our country.

That they effect this end by the adulteration of such drugs as are either expensive in the preparation or are consumed in large quantities. That by the admixture of cheap materials, artfully introduced, they are enabled to offer to the trade, at exceedingly reduced prices, articles so much resembling the genuine that it is impossible to detect the imposture, except by the tedious and

difficult process of scientific analysis. And that the result of this fraud must be to diminish the amount of duties received from these depreciated articles; many of which are imported into this country and consumed in very large quantities.

But this Memorial also sets forth that a still more serious evil results from the criminal frauds practised in the manufacture of drugs. That these articles being employed chiefly by physicians in the treatment of diseases, it is to their knowledge, especially, that these frauds come. And it is from them alone that any fair estimate of the mischief resulting can be expected. Without entering into any particulars of the composition of these substances, as this part of the subject has been ably set forth by the College of Pharmacy, of New-York, in a memorial to your honorable body; this memorial would only rehearse the baneful effects which these poisonous compounds exert on the health and constitutions of those who use them.

The chemical preparations of mercury, bark, opium, antimony, zinc, iodine, sulphur, &c., and the mechanical preparations of many of the roots, gums, &c., are indispensable in the treatment of diseases every where, but especially in the malarial regions of the South and West: and it is these very substances that are most adulterated. Among many serious evils resulting, one of the most dangerous is the uncertainty in the doses of some of the most active of these drugs. Some being furnished for consumption, containing nearly four-fifths less active matter than the genuine article; some being utterly inert from their active principles having been previously extracted; and some possessing no virtue at all, being absolutely different from what they purport to be. The ordinary doses of such trash, it is evident, must be entirely inert; and it is a fact well known to physicians, and others, that some of the strongest of our medicines are given at the West with impunity, in doses which would endanger or destroy life if the drug were genuine.

This memorial also sets forth to your honorable body the fact divulged to the College of Pharmacy, of New-York, and stated by that body in a Circular addressed by it to the Profession, that it is a regular business in some, at least, of the English manufacturing establishments, to prepare their chemicals at different prices. An inferior article for "the West"—a better and more genuine quality for the Atlantic States. Into the cheap article a quantity of deleterious matter is introduced, which cannot fail to produce injurious and often fatal effects on the health of those to whom they are administered. And such uncertainty is thus produced in the effects of our most valuable remedies, that practitioners in distant parts of the country can no longer understand each other, when referring to the doses of medicines by which they

obtain certain effects; and even in the same city, we labour under the same uncertainty, when we deal with different apothecaries.

Without trespassing farther upon the time of your honorable body, in accumulating proof of the serious nature of the evils complained of, this memorial only sets forth, farther, for the consideration of your honorable body, the urgent necessity of such stringent measures as may suffice to free our country of so vile and so fatal a fraud.

WM. T. WRAGG, M.D.
J. A. GIBERT, M.D.
W. E. ADAMS, M.D. } Committee.
W. J. McKAIN, M.D.
W. C. CAUTHEN, M.D.

# D.

## REPORT OF THE COMMITTEE

ON THE

## REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS.

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The Committee to whom was referred that portion of the recommendation of the National Medical Convention which relates to the establishment, in the different States, of a General Registration of Births, Marriages and Deaths, respectfully

REPORT:

As a preliminary to any observations which may be made to urge upon the Legislature of the State the recommendation of the National Medical Convention on this subject, it is proper to remark, that their able report was transmitted to the Senate and House of Representatives by the officers; and in the Senate it was referred to a Special and in the House to the Medical Committee, both of which reported favourably, with a bill to carry it into execution; all of which are in the appendix to this Report. The bill, however, was lost in the Senate, and it is believed, in consequence, not considered in the House. This was not, as we are firmly persuaded, from a hostility to the measure, but because the subject was not well understood, as it was novel to most of the members, and it being the last Session, when matters of such importance are seldom acted upon. But, should the subject be again brought before the Legislature, with the sanction of the combined wisdom of the Medical profession in Convention, and urged properly by the Medical gentlemen of the different parishes upon their representatives, there cannot be a doubt that so enlightened a body would not hesitate in adopting a measure so admirably calculated to promote the health, longevity, wealth, population and happiness of the citizens of our State. We will now bring to view the objects to be obtained by the Registration of Births, Marriages and Deaths in all the districts of the State. They are as follows: To ascertain whether population increases or de-

creases. The cause or causes of its increase or decrease. The diseases which generally prevail, and the increase or diminution of marriages, with the proportion of births to deaths, which lead irresistibly to an enquiry into the causes which produce disease, and, as a necessary consequence, the best possible and most available means of correcting or lessening their virulence and mortality.

It lays then a broad foundation for the proper and systematic statistics of a country relative to health, population, physical resources and moral condition, and forms a system, if we may so express ourselves, not only of physical but moral and intellectual hygiene. Can there be any measure more worthy of Legislative consideration than this, or can there be any adequate conception of what great improvements and important results may ensue from these investigations. When the Carolinian traverses many portions of his beloved State, and beholds the number of villages and plantations, once the residences of his forefathers, comparatively deserted, and yet so fertile and capable of productive wealth, a melancholy emotion is awakened, and he deeply feels and deplores that, while many other States are augmented and rapidly augmenting in population, his own is either stationary or diminishing, and he instinctively enquires the cause. If a Registration Bill is adopted by the Legislature, and officially conducted, it will materially tend to counteract and even destroy many of these causes, especially so far as health is concerned; which retard the full development of the resources and productive capability of the State, and we feel justified in this conclusion, from the effects which it has produced in nations where it is in operation. We have only to look over the reports, able and voluminous, of the Registrar-General of Great Britain, to be fully satisfied of this fact.

The system of public education, which has been found so deficient in its practical operation, and which successive Legislators have not been enabled to remedy, may, if we judge by the experience of other nations, be much improved.

But independent of these strong and cogent reasons, there is another which must be at once understood. Every lawyer must know how difficult it is sometimes to prove the right of inheritance, from the want of a proper registry of births, marriages, and deaths. The chief dependence is upon the records kept in the churches. But there being no established church, there are no general rules and regulations in the churches; and even if they were, they could not include all who are born—or married—or died.

A general registration would effectually accomplish this, and oftentimes save much labor, expense, and litigation. It is an evidence of its importance that it has been established in those countries where Church and State are united.

The next and a very important consideration, and one which we approach with much diffidence and deference, is the means of adopting a system by which these great ends may be put into efficient and successful operation, and produce the benefits which have been already stated. In European nations, and Great Britain, where the system is acting so beneficially—the character of their governments may be regarded as such as to give more precision and efficacy to their researches. Without entering into a discussion on this point; and *admitting* that we would have to contend with greater difficulties—yet, to a nation and a people which have overcome infinitely greater difficulties, and have become among the mightiest of the earth, and are progressing with immeasurable strides, such an objection is unworthy of their present position and their high destiny. It is with nations as individuals—where they shrink from an enterprize because of the difficulties which they may have to encounter—all hope or prospect of progressive improvement is gone. Would it then be wise—would it be philanthropic or patriotic—by preconceived opinion, to condemn and reject a measure which has already produced, and is producing such important improvements in the moral, physical and intellectual condition of some of the most enlightened nations of Europe, and which has been so strongly and unanimously recommended by the combined science and experience and wisdom of the Medical profession in the United States? We trust not. We have too abiding confidence in the Representatives of the people of our State, who have sensibly felt that the weight and influence of the State of South-Carolina, with her sister States, has not been in its physical or numerical but its moral and intellectual power, to suppose they would not willingly adopt a measure, which we think, we have already demonstrated, will tend not only to sustain, but to elevate her position, and to promote the cause of philanthropy. Nor can we believe, when so much money has been expended for educational purposes and internal improvements, that pecuniary considerations can for a moment be considered. But we are not satisfied that the difficulties of carrying into successful operation this very important measure, will be as great as at first sight would appear; and we are sanguine in the belief, that the plan which we propose will ultimately meet entire success. We will first consider the Bill offered at the last Session of the Legislature, and our objections to the same, and then the plan which we propose as a substitute.

A Bill *to provide for the Registry of Marriages, Births, and Deaths within this State.*

"Be it enacted by the Honorable the Senate and House of Representatives, now met and sitting in General Assembly, and

by the authority of the same, That it shall be the duty of the Clerk of the Court of Common Pleas, in each and every District within this State, to keep a record of the Marriages, Births, and Deaths of all persons occurring within his said District, so far as the same shall come to, or be brought within his knowledge, for which purpose his office shall be furnished with suitable books, to be provided by the Commissioners of Public Buildings of the said districts; in which books the Clerk shall enter in separate columns the date of every such marriage, birth and death, and the following particulars, that is to say: in the case of marriages, the christian and sir-names of the parties, the place or places of their residence respectively, and the name and office of the minister, magistrate, or other person, by whom such marriage was solemnized; in the case of births, the names of the parents, and if a slave, the name of the owner, the place of residence of the parents, the sex of the child born, and its name, if one had been given to it; and in the case of deaths, the christian and sir-name of the party, and if a slave, the name of the owner, the age if known, the place of residence, the place of death, and the disease or other cause of death, so far as the same may be known.

2. "That it shall be the duty of every minister, magistrate, or other person, by whom any marriage shall be solemnized, within thirty days thereafter, to make a return thereof in writing, subscribed to by him, to the Clerk of the Court of Common Pleas of the District in which such marriage shall be solemnized, in which return shall be certified the date of the marriage, the christian and sir-names of the parties, and their place or places of residence, together with the names of the parents, if any, who were present at the said marriage, as witnesses thereof; and it shall be the duty of the said Clerk, after entering the said marriage in the record book of marriages, to file the said return in his office. And every minister, magistrate, or other person, by whom any marriage shall be solemnized, who shall refuse or neglect to make such return, within the time aforesaid, shall forfeit and pay the sum of twenty-five dollars, to be recovered in any Court of competent jurisdiction; one-half to the use of the State, and the other half to any person who may sue for the same.

3. "That notice of births and deaths shall be given as hereinafter provided to the magistrate of the beat or of the city, town or village in which said births or deaths respectively occur, or, in the case of incorporated cities, towns and villages, to such magistrate as the corporate authorities of such cities, towns and villages shall designate for the ward, quarter or division thereof, in which such births or deaths shall occur. And such notice shall be given by the persons following, that is to say: parents shall give notice of the births and deaths of their children; every

householder shall give notice of every birth or death happening in his or her house; every owner, proprietor or manager of a plantation, shall give notice of every birth or death happening on his or her plantation; the eldest person next of kin shall give notice of the death of his kindred; and the keeper of any poor house, work house, house of correction, prison or hospital, and the master or other commanding officer of any ship or vessel, shall respectively give notice of every birth and death happening among the persons under his charge, and every of the persons aforesaid, neglecting to give such notice as aforesaid, for the space of thirty days next, after any such birth or death shall have happened, shall forfeit and pay, for the use of the State, a sum not exceeding two dollars, to be levied by warrant of the magistrate, to whom such notice ought to have been given.

4. "That it shall be the duty of every magistrate to whom notice shall be given of births and deaths as aforesaid, on or before the first day of each regular term of the Court of Common Pleas and General Sessions for the District in which such magistrate resides, to make a return in writing to the Clerk of the Court, of all the births and deaths of which he shall have received notice, specifying in such return, the particulars in relation to such births and deaths which are mentioned in the first section of this act, and it shall also be the duty of every magistrate aforesaid, who shall in any manner be informed of any births or deaths happening within the limits of the District under his supervision, to call upon the persons required as aforesaid, to give him notice thereof, to make return of the same to him as herein before required; and it shall be the duty of the Clerk of the said Court as soon after receiving the returns aforesaid from the said magistrates, as the same can conveniently be done, to enter the particulars thereof in the record books of births and deaths respectively, and to file the same returns in his office.

5. "That every Clerk of the Court and Magistrate who shall refuse or neglect to discharge the duties required of him by this act, shall be liable to be proceeded against by indictment, or otherwise, as for neglect of official duty.

6. "That every magistrate on making such return as aforesaid, shall be entitled, as a compensation for his services, to the sum of five cents for the entry of every such marriage, birth, or death, so returned by him; and the Clerk of the Court, for performance of the services required of him by this act, shall be entitled to compensation, proportioned to the compensation now allowed by law for similar entries usually made by him; the said compensation of Magistrates and Clerks to be paid by the State."

The Bill, it will be perceived, makes it an additional duty

upon the Clerks of the respective Courts of the different districts of the State, to keep a registry book, and that notice shall be given to Magistrates of beats or towns, villages, &c., of births, marriages, and deaths, and that they shall report the same to the clerks, to be recorded in said books. Now, with due deference, this could not, properly or accurately, be done by the agents just designated; and we learn from the experience of the past, that the mere act of penalty for non-compliance, would be difficult of execution. Besides, what idea would the persons delegated for this duty, have of the character and nature of the diseases of which individuals have died. And, if the reports are not accurate and correctly made, it were far better, so far as utility or the scientific character of the State is concerned, that they were not undertaken. We propose, therefore, another plan, which, if adopted, would give efficiency, accuracy and precision to the duties. We would therefore respectfully recommend that there be a physician or physicians appointed in each district, to perform all the duties now required, according to the bill just read, of the Clerks of the Courts—to be denominated Registrar—who should annually make a report to an officer, who may be termed the Registrar General—who should embody all of the reports of the respective Registrars, and make the same to the Governor, to be published; that the Registrars be entitled to the same compensation proposed to be given to the Clerks of the Courts, and that the Registrar General have a salary. By this plan we will have imperatively accurate statistics of our State as regards population; its increase or decrease; the diseases prevailing; and the means of improvement.

We would again recommend, that it shall be made obligatory upon physicians to report all cases of births within their care, and the disease of which their patients have died; in default of which, a penalty should be attached.

The objection that may be urged, is, that the sparseness of some of the districts is such as to render it difficult to have an accurate registration of births and marriages. Now, we apprehend, if it is made the especial duty of physicians to report all cases of death, and of ministers and magistrates all marriages, and of tax-collectors, as well as physicians, magistrates and ministers, all births which come under their knowledge, to the registrar, he giving his aid, there could be no difficulty; and the registrar could easily ascertain who were delinquent; for births, marriages and deaths, in the country, are quickly known to the surrounding neighbors. Besides, after the formation of our State Medical and District Medical Societies, there can be no doubt of the success of the undertaking. It may be required as an additional duty, as it is of the City Registrar in Charleston, to keep meteorological observations. All Army Surgeons, now, are re-

quired to do this latter duty, wherever they may be located, and much useful information has thus been obtained.

By this plan we would get efficient and competent men faithfully to discharge the duties, and we do not hesitate to say, we have an abundance of medical gentlemen, of science and attainment, fully capable. Thus we will have a mass of valuable information, and an accurate idea of the character, population, and diseases of our country; the benefits of which, and the development of scientific investigations, it is impossible to estimate. We have Solicitors in different districts, and the Attorney General, to carry out efficiently the legal statutes of our country; and can the Legislature possibly refuse to grant a similar organization of so important a measure of Medical police, as well as Medical legal enquiry. Medical men, discharging their duties in a quiet and unobtrusive manner in their private capacity in all countries, and in every age, have been admitted to have contributed largely to the improvements of their respective ages, in morals, literature and science, and more especially in the cause of humanity. It is scarcely to be presumed then, that enjoying so little of the public honors and profits of the State, an opportunity like this will be denied to a portion of them, while receiving but a small compensation.

The Medical profession generally, in a pecuniary way, will gain nothing, but have increased responsibilities; even those who are appointed will gain but little by this arrangement. But they feel with their brethren in different States of the Union, a desire to do their duty, as colaborators in sustaining the honor, dignity, and moral and intellectual character of their country. If an enlightened Legislature should deem proper, which we cannot for a moment believe, to refuse to establish an institution of such extensive usefulness on account of the expense, we must submit; but with a consciousness that we have discharged a solemn duty, and with the melancholy reflection that the representatives of a free country have denied that boon for the improvement of the morals, the comforts, and health of her people, which some of the most despotic governments of Europe have spared no expense to insure.

The taxation upon the citizens of the State would be a mere trifle. The good, we repeat, judging from the experience of other countries, it is impossible to estimate.

The measure proposed was anticipated by an enactment of the City Council of Charleston, in 1842. The Chairman, who has the honor to make this report, urged upon the Board of Health, as its Chairman, the importance of establishing a City Registrar, to perform in the city, the duties already mentioned, with some additional duties, which was unanimously concurred in. The recommendation was transmitted to Council, and that honorable body,

sensible of the importance of such a measure created the office, and the officer is now in discharge of his duties. The meteorological observations and registry of deaths are in efficient operation, and are highly important; and should the Legislature pass the Bill recommended, the registration of births and marriages would be conducted with equal accuracy.

The only remaining duty of the Committee would be to suggest the manner in which the registration should be conducted, but this, it is deemed proper to postpone for the present, except to remark, that the one recommended by the National Medical Convention, modified a little from the one adopted by the Registrar General of England, appears the best.

All which is respectfully submitted,

THOMAS Y. SIMONS, M.D., Chairman,
THOMAS B. DENDY, M.D.
SAMUEL FAIR, M.D.
A. W. YOUNGBLOOD, M.D.
J. W. KEITT, M.D.
} Committee.

1. *Resolved*, That the report on the Registration of Births, Marriages and Deaths, with an accompanying Memorial, be presented to the Legislature at its next session.

2d. *Resolved*, That the members of this Convention, and the members of the Medical profession throughout the State, be requested to explain to the Representatives and Senators in their respective districts the importance of the measure, and use their best exertions to obtain the passage of the Bill.

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*Report submitted to the National Medical Convention, held in Philadelphia, May, 1847, on the Registration of Births, Marriages and Deaths.*

The United States National Medical Convention, assembled in the City of Philadelphia, in May, 1847, desirous of the promotion of the true and vital interests of the people of their common country, in all their varied locations, circumstances and conditions, do respectfully recommend to the governments of the several States of the Union, the adoption of measures for a general Registration of the Births, Marriages and Deaths, which may occur within their respective borders.

No effort need here be expended in elucidation of the more ordinary purposes for which such a Registration should be universally adopted, such as proofs of lineage, rights of dower, and bequest of property. The importance of these cannot but be perceived on the least reflection.

But there are reasons more profound and far reaching, results more important to the welfare and glory of man, obtainable by this measure, which not only justify, but demand its early adoption, and thorough consummation.

There are two facts to be noticed in this connection, which may not be denied:—

*First.* Upon the circumstances connected with the three important eras of existence, birth, marriage and death, are dependent, to a very great extent, the physical, moral and civil condition of the human family.

*Second.* A knowledge of these circumstances is necessary for a full comprehension of important means for the certain advancement of the population of States, in prosperity and civilization.

To the political economist and vital statist, the laws which regulate and control the lives and destinies of the people of the present, cannot be a subject of indifference;—to the legislator and statesman, ignorance of them is a bar to the full appreciation of their responsibility to the people of the future. The *philosophy of increase of population* is intimately connected with, and dependent upon, the proposed measure, and can be properly learned only from its facts and deductions. In countries longer settled than ours, this science has come to be one of profound importance to those who are called to legislate for the future as well as for the present. For example:—The population of England has increased, as the census proves—and the excess of births over deaths leaves beyond a doubt—in a geometrical progression for forty years, and at a rate by which, if continued, it will double every forty-nine years. Whether the means of subsistence keep pace with that increase, or whether the density of population will, ere long, be too great for its area, are important questions to be decided by their own statesmen.

An increase of population has, however, nothing in it irresistible or inexorable; *it consists in nothing but an increase of the births over the deaths*—and will be suspended if the births cease to maintain the same ratio to the population; and the births may always be reduced rapidly, by retarding the period and number of the marriages, without taking into consideration the increase by immigration. Circumstanced as this country is now, with its millions of unreclaimed acres, its exhaustless resources of subsistence and wealth, in its mountains and valleys, in its mines, rivers and forests, it would be judicious to invite, even with the vast immigration to be expected, rather than discourage, an increase of a native population, by encouraging early marriages, provided that thereby immorality or misery in any form, will not advance with them.

But before we can make any recommendations on this subject, or before we can even intelligently discuss it, we must have a

knowledge of the facts as they are. By commencing a Registration now, our successors will be furnished with the necessary material in time for any exigency that may arise.

Conclusive evidence is furnished to us of the value of a well-digested system of Registration for the improvement of the people in their moral and physical condition, and in the length of their lives. From the facts obtained thereby, are deducible the rules and inferences of health, and the sources of disease and premature mortality—many of which need but be known to be avoided. Coincident with improvements in the health and condition of individuals, are increase of years, and advancement in private and public morals, and in the strength and virtue of the State.

Among the first communities to establish a system of Registration of Births, Marriages and Deaths, was Geneva, where it was begun as early as 1594, and has since been continued with great care. The registers are there viewed as pre-appointed evidences of civil rights, and it appears that human life has wonderfully improved since they were kept. The mean duration of life increased more than *five times* from 1550 to 1833; with the increase of population, and more prolonged duration of life, *happiness also increased;* though with advanced prosperity marriages became fewer and later, and thus the number of births was reduced, a greater number of infants born were preserved, and the number of adults—with whom lies the true greatness of the state—became larger. Towards the close of the 17th century, the probable duration of life was not 20 years—at the close of the 18th century it attained to 32 years—and now it has arrived to 45 years; while the real productive power of the population has increased in a much greater proportion than the increase in its actual number, and *Geneva has arrived at a high state of civilization.*

These results, so glorious for individuals, for the community, and for humanity, are derived from the better knowledge and understanding of the science of life and health, the data for which are furnished by the statistics of the Registers.

The information obtained by the Natural History surveys which have been made of many of the States of the Union, is directly interesting only to a very small number;—while the facts and inferences deducible from a sanatary survey and registration, interest and benefit, directly, the great mass of the people, for all are interested in their personal condition. Thus are produced in them more expanded views of the worth of life, and the necessity for its preservation; a more thorough appreciation of the importance of purity in the principal sources of its continuance, air and food; more attention to the comforts of dwellings and clothing, more refined sensibilities, greater energy, and

a better regulated state of public and private morals. These results *have been obtained in Geneva.*

In Prussia these measures are attended to in a mode deserving the highest commendation. Every fact relating to the health, lives and condition of the population, is there collected with great care by a central officer at Berlin, and published for the benefit of the people. The most beneficent results have accrued from the admirably arranged statistical returns made for several years past in England. Of more than one large town, but of Liverpool especially, it was ascertained that the mortality was great, and the average age at death of the population low, whereas before, the inhabitants had boasted of their salubrity and longevity. The registration has, to them, truly proved the means of increase of health and years, after removing from their eyes the scales which blinded them to their own destruction.

In many of the European states besides those mentioned, facts in connection with this subject are registered, and collated, in the most scientific and systematic manner, and, to use the language of a distinguished American statist, "whatever we Americans may say to the contrary, the average longevity, in many places, where these measures have been in operation, appears greater than with us." Indeed we have no little reason to apprehend that unless something is done to arrest the progress and pressure of the causes of premature mortality in this country, we shall be in danger of possessing only a very young and immature population. The average age of death in many of our large cities, as far as returns enable it to be shown, is under 20 years, a fact which can only be due to the unfavourable physical circumstances of the people, and their ignorance of the true means of living and avoiding disease.

The registers of the ancient Romans, which were preserved with great care, and recorded the births, sexes, periods of puberty, manhood, age at death, etc., kept by order of Domitius Ulpianus, prime minister of Alexander Severus, afford us the means of ascertaining the mean duration of life in Rome nearly 2000 years ago, and comparing this with the results of estimates made at the present day in places where similar records are kept, we are thus enabled to establish the gratifying fact of the great extension of the average period of human life in various cities and countries.

Of the results obtainable by the suggested measure, in connection with the census returns now regularly made in each of the United States, not the least important and desirable are *tables exhibiting the probabilities or expectation of life.*

By this simple and elegant method, the mean duration of life, uncertain as it appears to be, and as it *is*, with reference to individuals, can be determined with the greatest accuracy in nations,

and in still smaller communities. This is important not merely in reference to the payments of life annuities, and the business of life insurance, whose great value is but just beginning to be felt in this country, but it is of inestimable interest, as determining to individuals their probabilities of living in their different classes, occupations, locations, and habits. "As it might be expected from the similarity of the human organization, that all classes of men would, *exteris paribus*, live, on an average, the same number of years, it becomes important to ascertain whether this be the case, and if it be not, to determine to what extent life is shortened in unfavourable circumstances. The Life Table answers this purpose, and is as indispensable in sanatary inquiries as the barometer or thermometer, and other instruments, in physical research. Upon applying it to any number of well-selected cases, the influence of any external cause, or combination of causes, can be analyzed; while without its aid, and extended observation and calculation, we are liable to be misled at every step by vague opinions, well-concocted stories, or interested statements, in estimating the relative duration of life; which can no more be accurately made out by conjecture, than the relative diameters of the sun, moon, and planets of our system"*

If these things are so, and of their truth there cannot remain the shadow of a doubt, it is plain that with this measure are entwined the highest earthly interests of humanity, and it belongs to the legislators of the New World, the guardians and custodians of the interests and glory of the American Republic, to consider well ere they longer postpone the adoption of a measure so essential thereto. "A comparison of the duration of successive generations in England, France, Prussia, Austria, Russia, America, and other States, would throw much light on the physical condition of their respective populations, and suggest to scientific and benevolent individuals in every country, and to the governments, many ways of diminishing the sufferings, and meliorating the health and condition of the people; for the longer life of a nation denotes more than it does in an individual,—a happier life—a life more exempt from sickness and infirmity—a life of greater energy and industry—of greater experience and wisdom. By these comparisons, a noble national emulation might be excited, and rival nations would read of sickness diminished, deformity banished, life saved—of victories over death and the grave; with as much enthusiasm as of victories over each other's armies in the field; and the triumph of one would not be the humiliation of the other, for in this contention none would lose territory, or honor, or blood, but all would gain strength." (*Idem.*)

*Fifth Annual Report of the Registrar-General in England.

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